



**REGULAR CITY COUNCIL MEETING
RICHFIELD MUNICIPAL CENTER, COUNCIL CHAMBERS
NOVEMBER 10, 2015
7:00 PM**

INTRODUCTORY PROCEEDINGS

Call to order

Open forum (15 minutes maximum)

Each speaker is to keep their comment period to three minutes to allow sufficient time for others. Comments are to be an opportunity to address the Council on items not on the agenda. Individuals who wish to address the Council must have registered prior to the meeting.

Pledge of Allegiance

Approval of the minutes of the (1) Special Concurrent City Council Worksession of October 27, 2105 and (2) Regular City Council Meeting of October 27, 2015.

PRESENTATIONS

1. Swear-in Richfield Police Officers Robert Smith, Patrick Sheady and Jake Quern.
2. Annual meeting with the Planning Commission.

COUNCIL DISCUSSION

3. Hats Off to Hometown Hits
 - Cancel/reschedule December 22, 2015 Regular City Council Meeting

AGENDA APPROVAL

4. Approval of the agenda.
5. **Consent Calendar contains several separate items, which are acted upon by the City Council in one motion. Once the Consent Calendar has been approved, the individual items and recommended actions have also been approved. No further Council action on these items is necessary. However, any Council Member may request that an item be removed from the Consent Calendar and placed on the regular agenda for Council discussion and action. All items listed on the Consent Calendar are recommended for approval.**
 - A. Consideration of the approval of a resolution granting a Conditional Use Permit and Variances to allow an auto repair shop (Pacific Auto Care) at 6600 Portland Avenue.
Staff Report No. 177
 - B. Consideration of the approval of an annual request for a Temporary On Sale Intoxicating Liquor license for the Church of St. Richard, located at 7540 Penn Avenue South, for their Novemberfest event to take place November 14-15, 2015.

Staff Report No. 178

- C. Consideration of the approval of an annual request for a Temporary On Sale Intoxicating Liquor license for St. Nicholas Episcopal Church, located at 7227 Penn Avenue South, for their Night Under A Western Sky event to take place November 14, 2015.

Staff Report No. 179

- D. Consideration of the approval of setting a public hearing to be held on December 8, 2015, for the consideration of the renewal of On-Sale Intoxicating and Sunday Liquor licenses for 2016 for Last Call Operating Co. II, Inc. d/b/a Champps Americana, Don Pablo's Operating, LLC d/b/a Don Pablo's, El Tejaban Mexican Grill, LLC d/b/a El Tejaban Mexican Grill, Thompson's Fireside Pizza, Inc. d/b/a Fireside Foundry, GM Richfield, LLC d/b/a Four Points by Sheraton Minneapolis Airport, Frenchman's Pub, Inc. d/b/a Frenchman's, Wiltshire Restaurants, LLC d/b/a Houlihan's Restaurant & Bar, Paisan, Inc. d/b/a Khan's Mongolian Barbeque, Lyn 65, LLC d/b/a Lyn 65 Kitchen & Bar, Pizza Luce VII, Inc. d/b/a Pizza Luce, Minneapolis-Richfield American Legion Post 435 and Fred Babcock VFW Post 5555 d/b/a Four Nickels Food & Drink.

Staff Report No. 180

- E. Consideration of the approval of the setting of a public hearing to be held on December 8, 2015, for the consideration of the renewal of On-Sale Wine and On-Sale 3.2 Percent Malt Liquor licenses for 2016 for Chipotle Mexican Grill of Colorado, LLC d/b/a Chipotle Mexican Grill, Davanni's, Inc. d/b/a Davanni's Pizza & Hot Hoagies, Joy's Pattaya Thai Restaurant, LLC d/b/a Joy's Pattaya Thai Restaurant, Minnesota Junior Hockey Group, LLC d/b/a Minnesota Magicians (located in the Richfield Ice Arena), My Burger Operations, LLC, d/b/a My Burger, The Noodle Shop Co. Colorado, Inc. d/b/a Noodles & Company (two locations), Patrick's French Bakery, Inc. d/b/a Patrick's Bakery & Café, Henry Thou d/b/a Red Pepper Chinese Restaurant.

Staff Report No. 181

- F. Consideration of the approval of setting a public hearing to be held on December 8, 2015, for the consideration of the renewal of Pawnbroker and Secondhand Goods Dealer licenses for 2015 for University Cash Company, LLC d/b/a Avi's Pawn and Jewelry and Metro Pawn and Gun, Inc.

Staff Report No. 182

6. Consideration of items, if any, removed from Consent Calendar

PROPOSED ORDINANCES

7. Consideration of the second reading of an ordinance that amends the City's tobacco ordinance and a Resolution of Summary Publication.

Staff Report No. 183

8. Consideration of a second reading of an amendment to the City's Liquor Ordinance in section 1202 that would permit micro-breweries, micro-distilleries, associated taprooms and cocktail rooms in the City and a resolution authorizing summary publication of the ordinance.

Staff Report No. 184

9. Consideration of the second reading of an amendment to the City's Zoning Ordinance and a Resolution approving summary publication of said Ordinance. The proposed Ordinance would conditionally permit micro-breweries, micro-distilleries and associated taprooms/cocktail rooms in a number of commercial and mixed use districts.

Staff Report No. 185

OTHER BUSINESS

10. Consideration of new 2016 On Sale Wine and 3.2 Percent Malt Liquor licenses for Minnesota Junior Hockey Group, LLC d/b/a Minnesota Magicians, located at the Richfield Ice Arena, 636 East 66th Street.

Staff Report No. 186

CITY MANAGER'S REPORT

11. City Manager's Report

CLAIMS AND PAYROLLS

12. Claims and payrolls

Open forum (15 minutes maximum)

Each speaker is to keep their comment period to three minutes to allow sufficient time for others. Comments are to be an opportunity to address the Council on items not on the agenda. Individuals who wish to address the Council must have registered prior to the meeting.

13. Adjournment

Auxiliary aids for individuals with disabilities are available upon request. Requests must be made at least 96 hours in advance to the City Clerk at 612-861-9738.



CITY COUNCIL MINUTES

Richfield, Minnesota

Special City Council Worksession

October 27, 2015

CALL TO ORDER

The meeting was called to order by Mayor Goettel at 6:00 p.m. in the Bartholomew Room.

Council Members Present: Debbie Goettel, Mayor; Pat Elliott; Edwina Garcia; Tom Fitzhenry; and Michael Howard

Staff Present: Steven L. Devich, City Manager; Kristin Asher, Public Works Director; Chris Link, Operations Superintendent; Mary Tietjen, City Attorney and Cheryl Krumholz, Executive Coordinator.

Item #1	DISCUSSION REGARDING SERVICE LINE WARRANTY OF AMERICA (COUNCIL MEMO NO. 94)
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Discussion was postponed to a future worksession because a representative from Service Line Warranty of America was unavailable this evening.

Item #2	DISCUSSION REGARDING THE MEDIAN DESIGN ON THE 66TH STREET RECONSTRUCTION PROJECT (COUNCIL MEMO NO. 94)
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Public Works Director Asher discussed the required Value Engineering study recently completed by Hennepin County. The study focuses on cost-saving and added value elements and resulted in multiple recommendations including the closing of up to six medians along the corridor.

Ms. Asher explained the rationale for the recommended closure of medians, including consistency with Hennepin County policy, added safety, enhanced crossings at transit stop locations and supported by Guiding Principles.

Ms. Asher reviewed the proposed location of the median closures between Portland and Nicollet Avenues and Penn Avenue to 35W.

Ms. Asher stated the staff recommendation is to move forward with the median closures in design and begin the neighborhood outreach to inform them of the future design.

Maury Hooper, Hennepin County, provided background on the Value Engineering study needed to secure federal funding, the purpose of the study and the main findings.

Council Member Elliott stated the closed medians compound the elimination of connectivity with the neighborhoods.

Mayor Goettel stated neighborhood input should be obtained before moving forward because the area is already so highly impacted with the removal of homes along 66th Street.

Council Member Howard agreed and suggested estimated pedestrian measurements be determined to clarify costs.

Council Member Garcia agreed with obtaining neighborhood input with the staff recommendation not the City Council's at this point.

Council Member Fitzhenry agreed the neighborhood should weigh-in on the decision.

Ms. Asher provided a project update on the metro sewer pipe lining, 66th Street Reconstruction, and the West Richfield Storm through Monroe Park.

Item #3	DISCUSSION REGARDING THE LYNDALE/HUB/NICOLLET (LHN) MAINTENANCE DISTRICT (COUNCIL MEMO NO. 94)
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Operations Superintendent Link discussed the origin and history of the maintenance district, the current state of the district and possible adjustments to the district for consideration. He reviewed staff recommendations for the remainder of 2015, 2016-2018 (66th Street Reconstruction) and after reconstruction (entire corridor) and requested City Council guidance on proceeding.

Mr. Link stated that two property owners who have maintenance agreements with the City submitted a petition to be removed from the district.

Mayor Goettel expressed concern regarding losing the ability to maintain control of maintenance.

Ms. Asher stated that this type of maintenance district is no longer allowed. Special service districts are permitted.

City Attorney Tietjen explained the legal issues. She added that elimination of the district does not mean the City has no other tools available for enforcement.

ADJOURNMENT

The meeting was adjourned by unanimous consent at 6:58 p.m.

Date Approved: November 10, 2015

Debbie Goettel
Mayor

Cheryl Krumholz
Executive Coordinator

Steven L. Devich
City Manager



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

Regular Meeting

October 27, 2015

CALL TO ORDER

The meeting was called to order by Mayor Goettel at 7:00 p.m. in the Council Chambers.

Council Members Present:

Debbie Goettel, Mayor; Pat Elliott; Edwina Garcia, Tom Fitzhenry; and Michael Howard.

Staff Present:

Steven L. Devich, City Manager; Kristin Asher, Public Works Director; John Stark, Community Development Director; Jay Henthorne, Public Safety Director/Police Chief; Karen Barton, Assistant Community Development Director; Mary Tietjen, City Attorney; and Cheryl Krumholz, Executive Coordinator.

OPEN FORUM

None.

PLEDGE OF ALLEGIANCE

Mayor Goettel led the audience in the Pledge of Allegiance.

APPROVAL OF MINUTES

M/Fitzhenry, S/Howard to approve the minutes of the (1) Special Concurrent City Council, and HRA Worksession of October 13, 2015; and (2) Regular City Council Meeting of October 13, 2015.

Motion carried 5-0.

Item #1	ANNUAL MEETING WITH THE ARTS COMMISSION
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Alexander Dahl, Chair, presented the annual report.

Item #2	ANNUAL MEETING WITH THE FRIENDSHIP CITY COMMISSION
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Ahmad Ansari, Chair, presented the annual report.

Item #3	COUNCIL DISCUSSION <ul style="list-style-type: none">• Hats Off to Hometown Hits
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Council Member Garcia announced the following events:

- Environmental Book Club, Wood Lake Nature Center, November 3
- Unmanned aircraft video on the City's website
- Turkey Trailblazer Walk/Run, Wood Lake Nature Center, October 21
- VEAP Gala, October 30
- Great Clips fundraiser, Richfield American Legion, November 2

Council Member Garcia acknowledged the death of long-time Richfield resident, Lois DeSantis.

Council Member Fitzhenry announced the Beyond the Yellow Ribbon ceremony at Veterans Memorial Park on November 11.

Council Member Howard encouraged residents to vote on November 3.

Mayor Goettel announced the Optimists Club Spaghetti Dinner, Oak Grove Lutheran Church, November 3.

Item #4	COUNCIL APPROVAL OF AGENDA
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Mayor Goettel stated Consent Calendar Item 5H will be Item No. 6 to be considered separately.

M/Garcia, S/Fitzhenry to approve the agenda, as amended.

Motion carried 5-0.

Item #5	CONSENT CALENDAR
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- A. Consideration of the approval of a first reading of an amendment to the City's Zoning Ordinance. The proposed ordinance would conditionally permit micro-breweries, micro-distilleries and associated taprooms/cocktail rooms in a number of commercial and mixed use districts S.R. No. 165
- B. Consideration of the approval of a first reading of an amendment to the City's Liquor Ordinance in section 1202 that would permit micro-breweries, micro-distilleries, associated taprooms and cocktail rooms in the City S.R. No. 166
- C. Consideration of the approval of a resolution supporting acquisition of easements for the Nokomis- Minnesota River Regional Trail S.R. No. 167

RESOLUTION NO. 11131

A RESOLUTION OF SUPPORT FOR THE ACQUISITION OF EASEMENTS FOR THE INTERCITY REGIONAL TRAIL IN THE CITY OF RICHFIELD

This resolution appears as Resolution No. 11131.

- D. Consideration of the approval of a resolution to accept a grant of \$9,520.02 from the Office of Justice Programs for bullet proof vests S.R. No. 168

RESOLUTION NO. 11132

RESOLUTION APPROVING THE GRANT WITH THE U.S. DEPARTMENT OF JUSTICE,
OFFICE OF JUSTICE PROGRAMS AND RICHFIELD POLICE FOR
BULLETPROOF VESTS

This resolution appears as Resolution No. 11132.

- E. Consideration of the approval of a resolution authorizing acceptance of Office of Traffic Safety (OTS) funds for a four-year grant to fully fund an officer and fully equipped squad car dedicated for DWI enforcement in Richfield S.R. No. 169

RESOLUTION NO. 11133

RESOLUTION AUTHORIZING THE DEPARTMENT OF PUBLIC SAFETY/POLICE TO
ACCEPT GRANT MONIES FROM THE OFFICE OF TRAFFIC SAFETY IN THE AMOUNT OF
\$123,702 OR A LESSER AMOUNT, AS AWARDED BY THE DEPARTMENT OF PUBLIC
SAFETY, TO FUND A POLICE OFFICER AND FULLY EQUIPPED SQUAD DEDICATED TO
DWI ENFORCEMENT FOR FOUR YEARS

This resolution appears as Resolution No. 11133.

- F. Consideration of the approval of the renewal of the contract with Chief's Towing, Inc., for Public Safety towing services for December 1, 2015 through November 30, 2016 S.R. No. 170
G. Consideration of the approval of a resolution authorizing the lawful gambling premises permit for Richfield Lions Club to conduct lawful gambling at the Minneapolis-Richfield American Legion Post #435, 6501 Portland Avenue South S.R. No. 171

RESOLUTION NO. 11134

A RESOLUTION APPROVING THE LAWFUL GAMBLING PREMISES PERMIT
APPLICATION FOR THE RICHFIELD LION'S CLUB TO CONDUCT LAWFUL GAMBLING AT
THE MINNEAPOLIS-RICHFIELD AMERICAN LEGION POST #435 AT
6501 PORTLAND AVENUE SOUTH

This resolution appears as Resolution No. 11134.

- H. Moved to Item 6.

M/Goettel, S/Fitzhenry to approve the Consent Calendar, as amended.

Motion carried 5-0.

Item #6	CONSIDERATION OF ITEMS, IF ANY, REMOVED FROM THE CONSENT CALENDAR
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**5H. CONSIDERATION OF THE APPROVAL OF A FIRST READING OF AN ORDINANCE
AUTHORIZING THE CONVEYANCE OF PROPERTY OWNED BY THE CITY OF RICHFIELD
TO THE RICHFIELD HOUSING AND REDEVELOPMENT AUTHORITY S.R .NO. 172**

Mayor Goettel presented Staff Report No. 172. She stated the second reading will be conducted on December 8, 2015.

M/Goettel, S/Fitzhenry to approve the first reading of an ordinance authorizing the conveyance of property owned by the City of Richfield to the Richfield Housing and Redevelopment Authority.

Motion carried 5-0.

Item #7	PUBLIC HEARING REGARDING THE APPROVAL OF NEW ON-SALE WINE AND 3.2 PERCENT MALT LIQUOR LICENSES FOR MINNESOTA JUNIOR HOCKEY GROUP, LLC D/B/A MINNESOTA MAGICIANS, LOCATED AT THE RICHFIELD ICE ARENA, 36 EAST 66TH STREET S.R. NO. 173
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Council Member Garcia presented Staff Report No. 173.

City Manager Devich stated that the special legislation allows only one liquor license at the Ice Arena. Currently, Champps holds the license through the end of the year at the Ice Arena. The City Council is now considering issuing a license to allow the Magicians to sell liquor. In order to grant the Magicians a license, the City Council needs to be assured that only one entity will be serving liquor at the Ice Arena. The City is granting the license but the contractual agreement and obligation between the Magicians and Champps is their own responsibility.

City Attorney Tietjen explained that up to today, City staff believed Champps and the Magicians were discussing this issue but that does not appear to be the case and staff does not know if there is an agreement in place between the two entities. If the City Council approves the license for the Magicians, it should be conditioned upon only one entity serving liquor.

Ms. Tietjen explained options including Champps continuing their license to serve through the end of the year or approve the license for the Magicians with conditions such as an agreement to terminate liquor sales by Champps, or the City could revoke Champps license.

Council Member Fitzhenry asked if the City Council's decision could be delayed until an agreement from both parties is provided.

Council Member Elliott suggested the City Council provisionally approve the Magician's license subject to review by the City Attorney.

Kevin Ingvalson, Minnesota Magicians, stated the Magicians wanted to obtain the liquor license in case something happened to the Champps relationship and the Magicians needed options to move forward. He said when the Magicians approached City staff about obtaining a liquor license, they were not aware that only one entity could have a liquor license. He added that if the license is approved, the Magicians will begin serving liquor. He added there is a verbal agreement with Champps but no written contract, and that the Magicians would discuss the serving of liquor at the Ice Arena with Champps.

Council Member Fitzhenry questioned the Magicians having dram shop insurance and training to serve liquor.

Jarrett Ritenour, Champps, stated that they were not aware of tonight's meeting until this morning. He said Champps is open to discussion with the Magicians and wants to keep the partnership.

City Attorney Tietjen stated a condition of issuing the license to the Magicians could include submittal of a written agreement to limit the serving of liquor by one entity.

M/Goettel, S/Fitzhenry to close the public hearing.

Motion carried 5-0.

M/Fitzhenry, S/Howard to table City Council action on the issuance of a liquor license to the Minnesota Junior Hockey Group, LLC until a written agreement between Champps and the Minnesota Magicians is provided to City staff stating both parties agree to one entity selling liquor at the Richfield Ice Arena at which time consideration of the license will be placed on the next City Council Meeting agenda.

Motion carried 4-1. (Elliott oppose)

Item #8	PUBLIC HEARING TO CONSIDER A RESOLUTION REGARDING THE FINAL PLAT FOR LAND LOCATED AT THE CORNER OF 76TH STREET AND SHERIDAN AVENUE. THIS LAND HAS BEEN APPROVED FOR CONSTRUCTION OF FIVE TOWNHOMES S.R. NO. 174
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Council Member Elliott presented Staff Report No. 174.

Eden Spencer, Greater Metropolitan Housing Corporation, stated the permit was issued today so construction will begin.

M/Elliott, S/Goettel to close the public hearing.

Motion carried 5-0.

M/Elliott, S/Fitzhenry that the following resolution be adopted and that it be made part of these minutes:

RESOLUTION NO. 11135

RESOLUTION GRANTING APPROVAL OF A PLAT FOR SHERIDAN VILLAS ADDITION

Motion carried 5-0. This resolution appears as Resolution No. 11135.

Item #9	PUBLIC HEARING REGARDING THE APPROVAL OF THE SECOND READING OF AN ORDINANCE AMENDING SECTIONS 405, 406, 407 AND 408 OF THE RICHFIELD CITY CODE TO REMOVE/CORRECT OUTDATED TERMINOLOGY AND REFERENCES, AS WELL AS CLARIFY LANGUAGE AND INTENT, AND UPDATE STATE CODE REFERENCES, ALSO APPROVAL OF THE RESOLUTION FOR SUMMARY PUBLICATION OF SAID ORDINANCE S.R. NO. 175
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Council Member Howard presented Staff Report No. 175.

M/Elliott, S/Goettel to close the public hearing.

Motion carried 5-0.

M/Howard, S/Elliott that this constitutes the second reading of Bill No. 2015-12, amending the Richfield City Code related to Housing Maintenance: amending Subsection 405.04, Subdivisions 2; Subsection 405.05, Subdivision 8; Subsection 405.07, Subdivision 2 (a) and (b) and Subdivision 3 (a); Subsection 405.11, Subdivision 6; Subsection 405.13, Subdivision 5; Subdivision 405.15, Subdivision 3; Subsection 405.17; Subsection 406.01, Subdivision 3; Subsection 407.09, Subdivisions 2, 3, 4, and 5; Subsection 407.13, Subdivisions 1(b) and 1(d); Subsection 408.01, Subdivision 2 (b) and Subdivision 6; and repealing Subsection 405.17 (b) (c) (d) (e) (f) that it be published in the official newspaper, and that it be made part of these minutes, and that the following resolution be adopted and that it be made part of these minutes:

RESOLUTION NO. 11136

RESOLUTION APPROVING SUMMARY PUBLICATION OF AN ORDINANCE AMENDING SUBSECTIONS 405.04, SUBDIVISIONS 2; SUBSECTION 405.05, SUBDIVISION 8; SUBSECTION 405.07, SUBDIVISION 2 (A) AND (B) AND SUBDIVISION 3 (A); SUBSECTION 405.11, SUBDIVISION 6; SUBSECTION 405.13, SUBDIVISION 5; SUBDIVISION 405.15, SUBDIVISION 3; SUBSECTION 405.17; SUBSECTION 406.01, SUBDIVISION 3; SUBSECTION

407.09, SUBDIVISIONS 2, 3, 4, AND 5; SUBSECTION 407.13, SUBDIVISIONS 1(B) AND 1(D);
SUBSECTION 408.01, SUBDIVISION 2 (B) AND SUBDIVISION 6; AND REPEALING
SUBSECTION 405.17 (B) (C) (D) (E) (F) AND (G) RELATED TO HOUSING MAINTENANCE

Motion carried 5-0. This resolution appears as Resolution No. 11136.

Item #10	CONSIDERATION OF A RESOLUTION APPROVING A PRELIMINARY DEVELOPMENT AGREEMENT AND RIGHT-OF-ENTRY AGREEMENT BETWEEN THE CITY OF RICHFIELD AND INLAND PARTNERS, LLC FOR DEVELOPMENT OF THE CEDAR POINT SOUTH AREA S.R. NO. 176
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Council Member Fitzhenry presented Staff Report No. 176.

Kent Carlson, Anderson Companies, presented the conceptual plans for the development and requested the City Council support the resolution.

M/Fitzhenry, S/Howard that the following resolution be adopted and that it be made part of these minutes:

RESOLUTION NO. 11137

RESOLUTION APPROVING AGREEMENTS WITH THE CITY OF RICHFIELD AND INLAND
DEVELOPMENT PARTNERS, LLC

Motion carried 5-0. This resolution appears as Resolution No. 11137.

Item #11	CITY MANAGER'S REPORT
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None.

Item #12	CLAIMS AND PAYROLLS
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M/Fitzhenry, S/Elliott that the following claims and payrolls be approved:

U.S. Bank		10/27/15
A/P Checks: 244878-245197	\$	1,003,051.01
Payroll: 114154-114479	\$	575,865.76
TOTAL	\$	1,578,916.77

Motion carried 5-0.

OPEN FORUM

None.

Item #13	ADJOURNMENT
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The City Council Meeting was adjourned by unanimous consent at 8:20 p.m.

Date Approved: November 10, 2015

Debbie Goettel
Mayor

Cheryl Krumholz
Executive Coordinator

Steven L. Devich
City Manager



STAFF REPORT NO. 177
CITY COUNCIL MEETING
11/10/2015

REPORT PREPARED BY: Matt Brillhart, Planning Technician

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director
11/4/2015

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich
11/4/2015

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the approval of a resolution granting a Conditional Use Permit and Variances to allow an auto repair shop (Pacific Auto Care) at 6600 Portland Avenue.

EXECUTIVE SUMMARY:

Originally constructed in 1953, this property was owned and operated by Sinclair Oil for many years as a service station and offices. City zoning records show that approvals were granted for a building expansion in 1960, and a conversion of the original service bays to office space in 1980. Upon closure of the gas station in 2009, the underground fuel storage tanks were removed and the property was marketed for sale, remaining vacant ever since.

Mr. Phuong Le has purchased this property for intended re-use as an auto repair facility. The proposed change in use of the property requires a Conditional Use Permit (CUP) for auto mechanical repair in the General Business (C-2) Zoning District. Because the building has been vacant for over one year, all legally nonconforming status has expired; therefore, a variance to the front building setback is required. The applicant is also requesting variances to allow a reduced buffer yard and parking setback along the rear (south) property line, and to provide a direct pedestrian connection from only one of the two public sidewalks.

If the proposed applications are approved, final site and landscaping plans must be approved by both Community Development and the Public Works Department. Plans must show complete fence locations and details, and a trash enclosure that complies with Subsection 544.05. Landscaping plans must fully comply with Subsection 544.03 and must include landscaping to screen the front parking area from the public sidewalk, in addition to landscaping in the buffer areas.

Several aspects of the site will be brought up to code, including: impervious surface coverage, removal of the gas station canopies, landscaping, and parking requirements. Given the history of this property and difficulty of reuse, the proposed use is reasonable and offers improvements to site, landscaping, and the physical building. Staff is recommending approval of the proposed CUP and required variances.

RECOMMENDED ACTION:

By motion: Approve the resolution granting a Conditional Use Permit and Variances to allow an auto repair business at 6600 Portland Avenue.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

Discussed in Executive Summary.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

Conditional Use Permit: In the General Business (C-2) zoning district, auto mechanical or body repair shops are conditionally permitted uses. A full discussion of all requirements can be found as an attachment to this report. The following is a discussion of items of specific importance and/or requests for deviations from requirements.

- If an auto repair site abuts a residentially zoned lot, a buffer yard of not less than 25 feet in width and 75 percent all-season opacity from the ground to a height of 6 feet is required to separate all aspects of such use from abutting residential parcels. The Council may reduce this requirement to not less than 15 feet if significant additional landscaping and fencing, with 100 percent all-season opacity, is provided to screen the auto mechanical or body repair shop use.
 - The adjacent lots to the south (6616 Portland Avenue) and west (6601 5th Avenue) are residentially zoned property.
 - Code regulations state that this requirement applies to all aspects of the use; however, staff believes that it is intended to separate all aspects that are unique to this type of use (e.g. damaged vehicles) as opposed to the building or general parking lot itself. Staff recommends that cedar fencing be required along the southern property line and surrounding the damaged vehicle storage area, extending northward along the western property line to meet the building, and that landscaping be found sufficient for the remaining residential edge. Along the northern and eastern property lines adjacent to the roundabout (between curb cuts), staff recommends standard parking lot screening and a prohibition against the storage of damaged vehicles in this area.
 - The applicant has requested a variance to reduce the required buffer yard from 15 feet to 7 feet along a portion of the southern property line. The existing building is set back 50 feet from the rear property line. Parking lot standards require a minimum 24 foot drive aisle and 18 foot stall depth. After factoring in those distances plus curb and gutter, approximately 7 feet of space remains for adding a buffer yard along the southern property line.
- Vehicles awaiting repair must be stored in appropriately designed and screened areas approved by the City.
 - The applicant is proposing to store damaged vehicles in a screened area in the southwest corner of the property. The applicant has proposed a 6-foot fence along the entire south property line and also surrounding the area in which any damaged vehicles will be stored, including the proposed trash enclosure area.

The Council must also find that the eight general requirements to grant a CUP are met. A full discussion of these requirements can be found in the attached document.

Additional Variances Requested: Required (R), Proposed (P)

The proposed site improvements will allow for reuse and significant aesthetic improvements to a long vacant site. Due to the placement of the building in the center of the lot, accommodating parking areas (including proper vehicle and pedestrian circulation) that conform to all code requirements is not possible. Three variances are necessary. Staff finds that the variances are reasonable given the unique characteristics of the site and the significant proposed improvements to site design and landscaping.

- Maximum building setback (R: 60 ft.; P: 67 ft.)
In no case shall the front setback for a principal building exceed 60 feet. The applicant did not create this situation. It is reasonable to allow the reuse of an existing building.
- Minimum parking setback (R: 15 ft.; P: 7 ft.)

As described above, the required southern buffer yard is proposed to be reduced in order to accommodate the damaged vehicle storage area behind the building. This same reduction applies to the parking stalls in that area and is necessary for proper vehicle circulation.

- Pedestrian connection from sidewalk (P: from 66th Street only)

A striped pedestrian connection is proposed from the 66th Street sidewalk only. Given the locations of the existing crosswalk, raised planter bed, and curb cuts in relation to one another, adding a striped pedestrian connection from the Portland Avenue sidewalk is impractical.

Additional information related to the requested variances and required findings can be found in the attached document.

C. CRITICAL TIMING ISSUES:

60-DAY RULE: The 60-day clock 'started' when a complete application was received on October 7, 2015. A decision is required by December 6, 2015 OR the Council must notify the applicant that it is extending the deadline (up to a maximum of 60 additional days or 120 days total) for issuing a decision.

D. FINANCIAL IMPACT:

None

E. LEGAL CONSIDERATION:

- A public hearing was held before the Planning Commission on October 26, 2015.
- Notice of the public hearing was published in the Sun Current newspaper and mailed to properties within 350 feet of the site. No members of the public spoke at the public hearing.
- The Planning Commission recommended approval of the proposed Conditional Use Permit and Variances (6-0).

ALTERNATIVE RECOMMENDATION(S):

- Approve the resolution with modifications.
- Deny the request for a Conditional Use Permit and Variances with a finding that the proposal does not meet City requirements.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Phuong Le, applicant/owner

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Resolution - CUP & Variances	Resolution Letter
<input type="checkbox"/> Requirements Attachment	Backup Material
<input type="checkbox"/> Site plans & survey	Backup Material
<input type="checkbox"/> Zoning & Planning maps	Backup Material

RESOLUTION NO.

**RESOLUTION APPROVING A
CONDITIONAL USE PERMIT
AND VARIANCES
FOR AN AUTO REPAIR BUSINESS
AT 6600 PORTLAND AVENUE**

WHEREAS, an application has been filed with the City of Richfield which requests approval of a conditional use permit and variances to allow an auto repair business at the parcel of land located at 6600 Portland Avenue (the "Property"), legally described as:

LOTS 1, 2 AND 3, INCLUDING THE EAST 1/2 OF THE VACATED ALLEY ADJACENT THERETO, BLOCK 1, MCCUTCHAN'S PORTLAND AVENUE PARK, HENNEPIN COUNTY, MINNESOTA

WHEREAS, the Planning Commission of the City of Richfield held a public hearing and recommended approval of the requested conditional use permit and variances at its October 26, 2015 meeting; and

WHEREAS, notice of the public hearing was published in the Sun-Current and mailed to properties within 350 feet of the subject property; and

WHEREAS, the requested conditional use permit meets the requirements necessary for issuing a conditional use permit as specified in Richfield's Zoning Code, Subsection 547.09 and as detailed in City Council Staff Report No.____; and

WHEREAS, the Zoning Code states that if an auto repair shop abuts a residentially zoned lot, a buffer yard of not less than 25 feet in width and 75 percent all-season opacity from the ground to a height of six (6) feet shall be provided to separate all aspects of such use from abutting residential parcels. The Council may reduce this requirement to not less than 15 feet if significant additional landscaping and fencing, with 100 percent all-season opacity, is provided to screen the auto mechanical or body repair shop use, Subsection 534.07, Subd. 12(b); and

WHEREAS, the Zoning Code states that a minimum 15-foot buffer is required to separate all aspects of an auto repair shop from adjacent parcels, Subsection 534.07, Subd. 12(c); and

WHEREAS, the Zoning Code states that in no case shall the front setback of a principal building exceed 60 feet in the General Business (C-2) District, Subsection 534.11, Subd. 2(c); and

WHEREAS, the Zoning Code states that a physically separated pedestrian access from all public sidewalks is required, Subsection 544.15; and

WHEREAS, Minnesota Statutes Section 462.357, Subdivision 6, provides for the granting of variances to the literal provisions of the zoning regulations in instances where their enforcement would cause "practical difficulty" to the owners of the property under consideration; and

WHEREAS, based on the findings below, the Richfield City Council approves the requested variance from Richfield Zoning Code Subsections 534.07, Subd. 12(b) & (c); 534.11, Subd. 1 & 2(c); and 544.15; and

WHEREAS, the City has fully considered the request for approval of the conditional use permit;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Richfield, Minnesota, as follows:

1. The City Council makes the following general findings:
 - a. The Property is zoned General Business (C-2).
 - b. The Zoning Code states that if the use site abuts a residentially zoned lot, a buffer yard of not less than 25 feet in width and 75 percent all-season opacity from the ground to a height of six (6) feet shall be provided to separate all aspects of such use from abutting residential parcels. The Council may reduce this requirement to not less than 15 feet if significant additional landscaping and fencing, with 100 percent all-season opacity, is provided to screen the auto mechanical or body repair shop use. The proposed buffer is 7 feet. A variance from Subsection 534.07, Subd. 12(b) is required.
 - c. The Zoning Code states that a minimum 15-foot buffer is required to separate all aspects of an auto repair shop from adjacent parcels. The proposed buffer is 7 feet. A variance from Subsection 534.07, Subd. 12(c) is required.
 - d. The Zoning Code states that a parking shall be set back a minimum of 15 feet from residential property. The proposed setback is 7 feet. A variance from Subsection 534.11, Subd. 1 is required.
 - e. The Zoning Code states that the maximum front setback for a principal building on a lot located along an arterial road is 40 feet or the average setback of the existing principal building(s) abutting such lot, whichever is greater. In no case shall the front setback for a principal building exceed 60 feet. The proposed setback is 67 feet. A variance from Subsection 534.11, Subd. 2(c) is required.
 - f. The Zoning Code states that Pedestrian access points shall be provided at all pedestrian arrival points to the development including the property edges, adjacent lots, abutting street intersections, crosswalks, and at transit stops. No pedestrian connection is proposed from the Portland Avenue sidewalk. The pedestrian connection from the 66th Street sidewalk is proposed to be striped with paint only, and not physically separated from vehicle traffic. A variance from Subsection 544.15 is required.
2. With respect to the application for variances from Richfield Zoning Code Subsection 534.07, Subd. 12(b) and (c); and Subsection 534.11, Subd. 1, the City Council makes the following findings:
 - a. Strict enforcement would cause a practical difficulty by removing the ability to park and maneuver vehicles behind the building. The placement of the existing building and preferred location for vehicle storage necessitates reducing the required buffer yard.
 - b. The placement of the existing building was not created by the applicant.
 - c. Granting the requested variance will not alter the character of the neighborhood. The applicant proposes to add 7 feet of buffer yard that is not present today. While not ideal, this represents an improvement over the present condition by adding buffer space and additional landscaping. No adverse impacts are anticipated.
 - d. The variances requested are the minimum necessary to alleviate the practical difficulties.
 - e. The proposed variances do not conflict with the purpose or intent of the Ordinance or Comprehensive Plan.

3. With respect to the application for a variance from Subsection 534.11, Subd. 2(c), the City Council makes the following findings:
 - a. It is reasonable to reuse the existing building. Strict enforcement would create a practical difficulty.
 - b. This property was constructed prior to codes dictating maximum building setback. The applicant did not create this situation.
 - c. The variance requested is not expected to have any impact on the character of the neighborhood.
 - d. The variances requested are the minimum necessary to alleviate the practical difficulties.
 - e. The proposed variances do not conflict with the purpose or intent of the Ordinance or Comprehensive Plan.
4. With respect to the application for a variance from Subsection 544.15, the City Council makes the following findings:
 - a. Given the locations of the crosswalk, raised planter bed, and curb cuts in relation to one another, requiring a striped pedestrian connection from the Portland Avenue sidewalk would be a practical difficulty.
 - b. When the intersection was reconstructed as a roundabout, design decisions were made to construct a raised concrete planter bed and barrier, preventing direct site access in line with the crosswalk. This situation was not created by the applicant.
 - c. The variances requested are not expected to have any impact on the character of the neighborhood.
 - d. The variances requested are the minimum necessary to alleviate the practical difficulties.
 - e. The variances requested do not conflict with the purpose or intent of the Ordinance or Comprehensive Plan.
5. Based on the above findings, a variance is hereby approved to permit a 7-foot fenced / landscaped buffer and parking setback on the south side of the Subject Property.
6. Based on the above findings, a variance is hereby approved to permit a 67-foot front building setback.
7. Based on the above findings, a variance is hereby approved to permit a striped pedestrian connection from the 66th Street sidewalk only.
8. A conditional use permit is issued to allow an auto repair business, as described in City Council Letter No. _____, on the Subject Property legally described above.
9. This conditional use permit is subject to the following conditions in addition to those specified in Section 547.09 of the City's Zoning Ordinance:
 - A recorded copy of the approved resolution must be submitted to the City prior to the issuance of a building permit.
 - Fencing to screen damaged vehicles must completely screen the vehicles from all sides, aside from the drive aisle opening. Damaged vehicles must be stored inside the proposed fenced area only.
 - Landscaping plans must be approved by the Community Development and Public Works Departments prior to installation. Plans must show complete fence locations and details, and a trash enclosure that complies with Subsection 544.05. Along the northern and eastern property lines adjacent to the roundabout (between curb cuts), staff recommends standard parking lot

screening and a prohibition against the storage of damaged vehicles in this area. Sight triangles at driveways must be maintained. Any landscaping in the boulevard will require a Boulevard Feature Permit. The applicant shall be responsible for continued maintenance of landscaping in keeping with the approved plans.

- All areas of the site not occupied by buffer yards or required landscaping shall be paved with asphalt or concrete as necessary. The parking lot perimeter shall have concrete curb and gutter installed around the buffer yards.
- A grading and utility plan must be submitted and approved by the Public Works Director prior to the issuance of a building permit.
- Any new utility service must be underground. All new utilities, including roof-top equipment, must be screened in accordance with City Code requirements. A screening plan is required prior to installation.
- Separate sign permits are required. All signs must be set back
- The applicant is responsible for obtaining all required permits, compliance with all requirements detailed in the City's Administrative Review Committee Report dated September 10, 2015, and compliance with all other City and State regulations;
- Prior to the issuance of an occupancy permit, the applicant must submit a surety equal to 125% of the value of any improvements and/or requirements not yet complete, unless reduced by the Community Development Director. This surety shall be provided in the manner specified by the Zoning Code.

10. This conditional use permit and these variances shall expire one year after issuance unless 1) The use for which the permit was granted has commenced; or 2) Building permits have been issued and substantial work performed; or 3) Upon written request of the applicant, the Council extends the expiration date for an additional period not to exceed one year. Expiration is governed by the City Zoning Ordinance, Section 547.09, Subdivision 9.
11. This conditional use permit shall remain in effect for so long as conditions regulating it are observed, and the conditional use permit shall expire if normal operation of the use has been discontinued for 12 or more months, as required by the City's Zoning Ordinance, Section 547.09, Subd. 10.

Adopted by the City Council of the City of Richfield, Minnesota this 10th day of November 2015.

Debbie Goettel, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk

Code Requirements / Required Findings

Part 1 – Auto mechanical or body repair shops in General Business (C-2)

District: The findings necessary to approve said business in the C-2 District are as follows (534.07, Subd. 12).

1. *The use site shall not be located within 300 feet of the grounds of a school, church or hospital. This requirement is met.*
2. *If the use site abuts a residentially zoned lot, a buffer of not less than 25 feet in width and 75 percent all-season opacity from the ground to a height of 6 feet shall be provided to separate all aspects of such use from abutting residential parcels. The Council may reduce this requirement to not less than 15 feet if significant additional landscaping and fencing, with 100 percent all-season opacity, is provided to screen the auto mechanical or body repair shop use. Staff recommends that cedar fencing be required along the southern property line and surrounding the damaged vehicle storage area, extending northward along the western property line to meet the building, and that landscaping be found sufficient for the remaining residential edge. Along the northern and eastern property lines adjacent to the roundabout (between curb cuts), staff recommends standard parking lot screening and a prohibition against the storing of damaged vehicles in this area. The applicant has requested a variance to this requirement along the southern property line. A full discussion of this request can be found in Part 3 below.*
3. *A buffer yard of not less than 15 feet in width shall be provided to separate all aspects of such use from any abutting parcel. The applicant has requested a variance to this requirement along the southern property line. A full discussion of this request can be found in Part 3 below.*
4. *Vehicles that are inoperable shall not be stored on the premises, except in appropriately designed and screened areas as approved by the City. In accordance with Section 1320 of the City Code, inoperable vehicles cannot be stored on any property for more than 96 hours. The applicant will be required to comply with all applicable storage regulations.*
5. *Vehicles that are waiting for repair shall be stored in appropriately designed and screened areas as approved by the City. The applicant is proposing to store damaged vehicles in a screened area in the southwest corner of the property. The applicant has proposed a 6-foot fence along the entire south property line and also surrounding the area in which any damaged vehicles will be stored, including the proposed trash enclosure area.*
6. *If the use is not located on a county road or state highway, it shall not be operated between the hours of 11:00 pm and 6:00 am. The use is located on a county road and restrictions on operating hours do not apply. Proposed hours of operation are Monday-Saturday 8:00 am – 6:00 pm.*
7. *All repair, assembly, disassembly and maintenance of vehicles shall occur within an enclosed building, except minor maintenance such as tire inflation or adding oil or windshield wiper fluid. The applicant will be required to comply with operational regulations.*

Part 2 – Conditional Use Permit: The findings necessary to issue a Conditional Use Permit (CUP) are as follows (547.09, Subd. 6):

1. *The proposed use is consistent with the goals, policies, and objectives of the City's Comprehensive Plan.* The proposed use of the property is consistent with the guiding "Community Commercial" designation. The Comprehensive Plan identifies a number of goals and policies related to economic development and support for business and employment growth. The proposal is consistent with these goals and policies.
2. *The proposed use is consistent with the purposes of the Zoning Code and the purposes of the zoning district in which the applicant intends to locate the proposed use.* The purpose of the Zoning Code is to protect and promote the public health, safety, comfort, aesthetics, economic viability, and general welfare of the City. The purpose of the General Business (C-2) District is to allow a wide variety of commercial businesses that are attractive and compatible with nearby residential properties. The proposal is consistent with these purposes.
3. *The proposed use is consistent with any officially adopted redevelopment plans or urban design guidelines.* The proposed use is consistent with the East 66th Street Corridor plan.
4. *The proposed use is or will be in compliance with the performance standards specified in Section 544 of this code.* The proposed development will either maintain the status quo or significantly improve compliance with performance standards requirements. The applicant must submit a landscaping plan that complies with Subsection 544.03. The applicant must submit a revised site plan, including complete fence locations & details, and propose a trash enclosure that fully complies with Subsection 544.05.
5. *The proposed use will not have undue adverse impacts on governmental facilities, utilities, services, or existing or proposed improvements.* The City's Public Works and Engineering Departments have reviewed the proposal and do not anticipate any issues.
6. *The use will not have undue adverse impacts on the public health, safety, or welfare.* Adequate provisions have been made to protect the public health, safety and welfare.
7. *There is a public need for such use at the proposed location.* Investment and improvement in vacant sites is necessary to maintain a healthy community.
8. *The proposed use meets or will meet all the specific conditions set by this code for the granting of such conditional use permit.* This requirement will be met by the granting of a variance to the buffer yard regulations. All other specific conditions are met.

Part 3 - Variances: The findings necessary to approve a variance are as follows (Subd. 547.11):

1. *There are "practical difficulties" that prevent the property owner from using the property in a reasonable manner.*

2. *There are unusual or unique circumstances that apply to the property which were not created by the applicant and do not apply generally to other properties in the same zone or vicinity.*
3. *The variance would not alter the character of the neighborhood or the locality.*
4. *The variance is the minimum necessary to alleviate the practical difficulty.*
5. *The variance is in harmony with the general purpose and intent of the ordinance and consistent with the Comprehensive Plan.*

Reduced buffer yard and Reduced parking setback (534.07 Subd. 12 b & c; and 534.11 Subd. 1)

The applicant has requested a variance to reduce the required buffer yard from 15 feet to 7 feet along a portion of the southern property line. The existing building is set back 50 feet from the rear property line. Parking lot standards require a minimum 24 foot drive aisle and 18 foot stall depth. After factoring in those distances, plus curb and gutter, 7 feet of space remains for adding a buffer yard along the southern property line. This reduction also applies to the required parking setback from residential property in that same area.

Criteria 1: The placement of the existing building and preferred location for vehicle storage necessitates reducing the required buffer yard. Strict enforcement of a 15 foot buffer yard would create a practical difficulty by removing the ability to park and maneuver vehicles behind the building.

Criteria 2: The placement of the existing building was not created by the applicant.

Criteria 3: The proposed variance is not expected to have any impact on the character of the neighborhood. The applicant proposes to add 7 feet of buffer yard that is not present today. While not ideal, this represents an improvement over the present condition by adding buffer space and additional landscaping.

Criteria 4: The proposed variance is the minimum necessary to alleviate the practical difficulty. Staff looked at a possible reduction to the drive aisle requirement, but due to various encroaching utility equipment located behind the building, decided it was unwise to recommend anything below 24 feet.

Criteria 5: The proposed reduction does not conflict with the purpose and/or intent of the Comprehensive Plan or the Ordinance.

Front building setback (534.11 Subd. 2c)

The applicant has requested a variance to increase the front building setback to 67 feet. The maximum front setback for a principal building on a lot located along an arterial road is 40 feet or the average setback of the existing principal building(s) abutting such lot, whichever is greater. In no case shall the front setback for a principal building exceed 60 feet.

Criteria 1: It is reasonable to reuse the existing building. Strict enforcement would create a practical difficulty.

Criteria 2: This property was constructed prior to codes dictating maximum building setback. The applicant did not create this situation.

Criteria 3: The proposed variance is not expected to have a negative impact on the character of the neighborhood.

Criteria 4: The proposed variance is the minimum necessary to allow reuse of the existing building.

Criteria 5: The proposed variance does not conflict with the purpose and/or intent of the Comprehensive Plan or the Ordinance.

Pedestrian connection from sidewalk (544.15)

A striped pedestrian connection to the building is proposed from the 66th Street sidewalk only. No pedestrian connection is proposed from the Portland Avenue sidewalk. The pedestrian connection from the 66th Street sidewalk is proposed to be striped with paint, extending from the front property line to the ADA-accessible building entrance.

Criteria 1: Given the locations of the crosswalk, raised planter bed, and curb cut in relation to one another, requiring a striped pedestrian connection from the Portland Avenue sidewalk would be a practical difficulty.

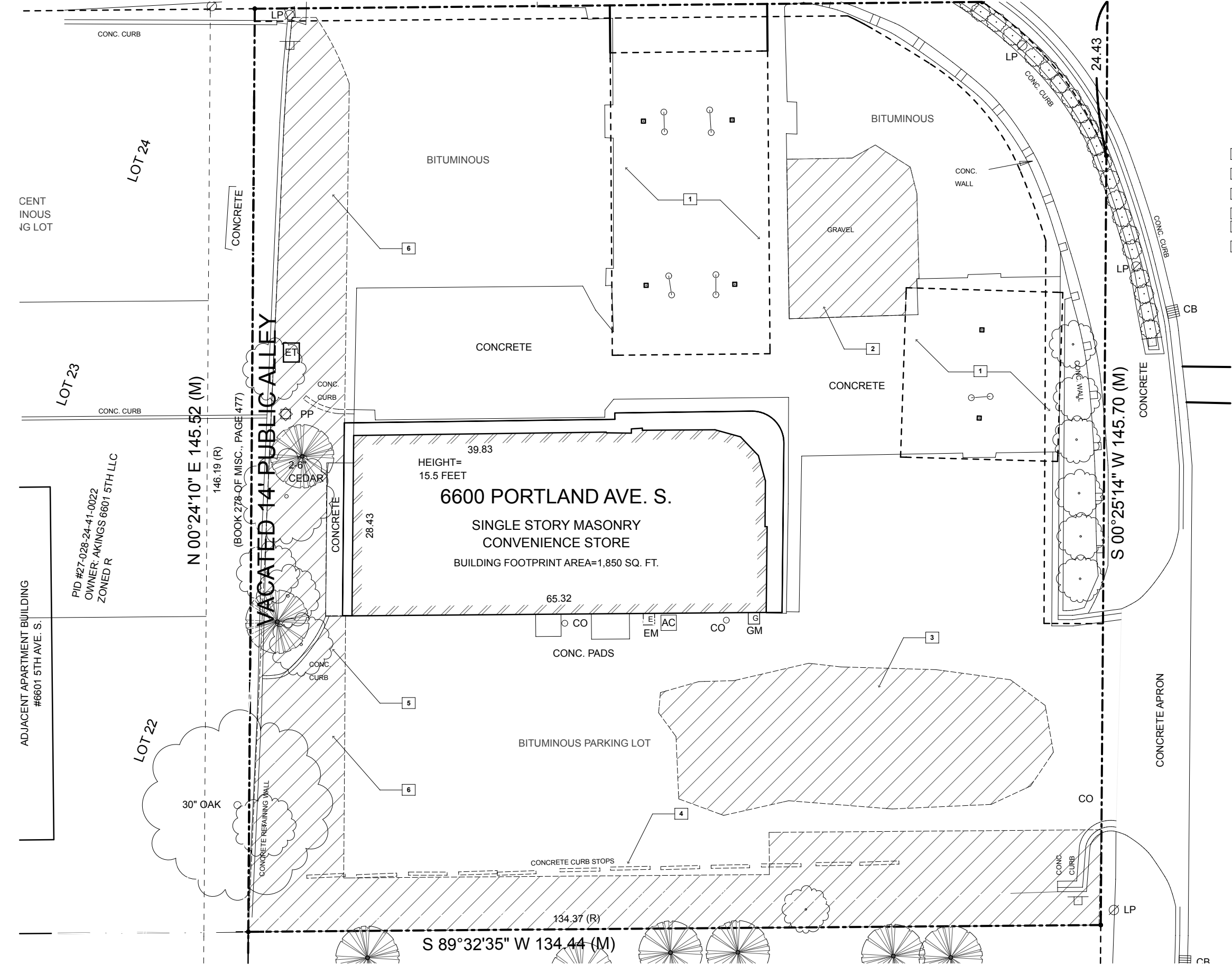
Criteria 2: When the intersection was reconstructed as a roundabout, design decisions were made to construct a raised concrete planter bed and barrier, preventing direct site access in line with the crosswalk. This situation was not created by the applicant.

Criteria 3: The proposed variance is not expected to have any impact on the character of the neighborhood.

Criteria 4: The proposed variance is the minimum necessary.

Criteria 5: The proposed reduction does not conflict with the purpose and/or intent of the Comprehensive Plan or the Ordinance.

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GENERAL NOTES:

LOT SIZE: 19,577 SF
MAX IMPERVIOUS: 85% OR 16,640 SF
EXISTING PERVIOUS SURFACE: 1283 SF OR 6.6%

DEMOLITION NOTES:

- 1 REMOVE CANOPY, POSTS, AND ALL ROOF STRUCTURE. INFILL AREA WITH CONCRETE TO MATCH EXISTING.
- 2 REMOVE GRAVEL SURFACE AND PREP FOR NEW CONCRETE SURFACE TO MATCH SURROUNDING AREA.
- 3 REMOVE GRAVEL AND DIRT MATERIAL ON TOP OF BITUMINOUS PARKING AREA.
- 4 REMOVE CONCRETE CURB STOP.
- 5 REMOVE SHRUBS AND PLANTING. PREP AREA FOR GRASS BUFFER AREA.
- 6 SAW CUT BITUMINOUS SURFACE AND REMOVE AND PREP AREA FOR GRASS BUFFER AREA.



NGUYEN
ARCHITECTS

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tan@nguyenarchitects.com

CLIENT:

PACIFIC AUTO CARE
4486-B CLOVER LN
EAGAN MN 55122

NO.	DATE	REVISIONS
4	08/31/15	PRE-LIMINARY
5	10/05/15	VARIANCE 01
6	10/07/15	VARIANCE 02

I HEREBY CERTIFY that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Minnesota.

Signature: _____

Typed or Printed Name: *** ARCHITECT ***

Date: _____ Reg. No.: 44730

PROJECT NAME:

GARAGE
RENOVATION

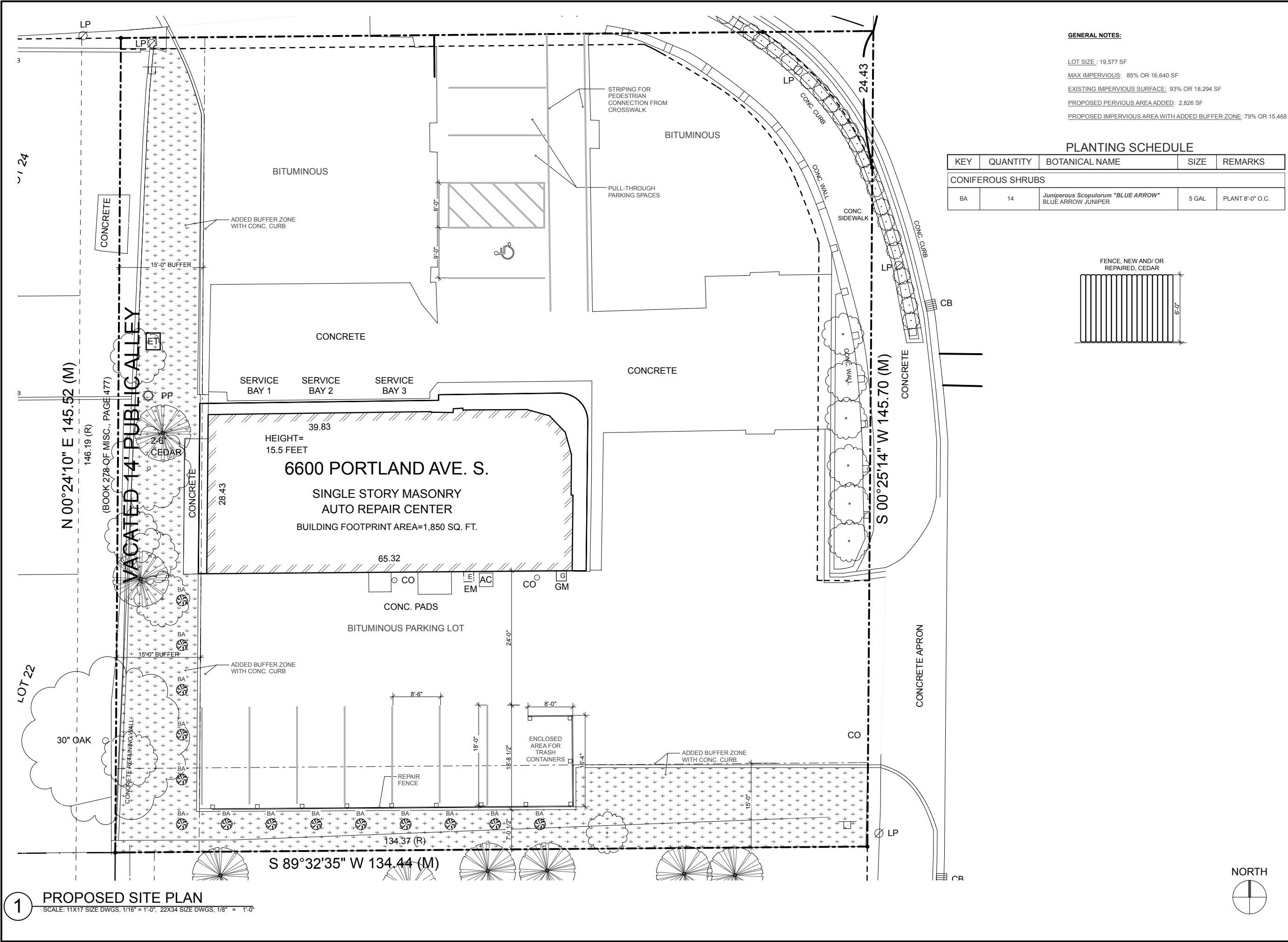
LAYOUT NAME:

SITE PLAN

Date: 10/7/15
Scale: AS NOTED
Drawn By: TN
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Sheet:

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GENERAL NOTES:

LOT SIZE : 19,577 SF

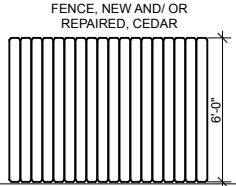
MAX IMPERVIOUS: 85% OR 16,640 SF

EXISTING IMPERVIOUS SURFACE: 93% OR 18,294 SF

PROPOSED PERVIOUS AREA ADDED: 2,826 SF

PROPOSED IMPERVIOUS AREA WITH ADDED BUFFER ZONE: 79% OR 15,468

PLANTING SCHEDULE				
KEY	QUANTITY	BOTANICAL NAME	SIZE	REMARKS
CONIFEROUS SHRUBS				
BA	14	Juniperous Scopulorum "BLUE ARROW" BLUE ARROW JUNIPER	5 GAL	PLANT 8'-0" O.C.



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6	10/07/15	VARIANCE 02

I HEREBY CERTIFY that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Minnesota.

Signature: _____

Typed or Printed Name: *** ARCHITECT ***

Date: _____ Reg. No.: 44730

PROJECT NAME:

GARAGE RENOVATION

LAYOUT NAME:

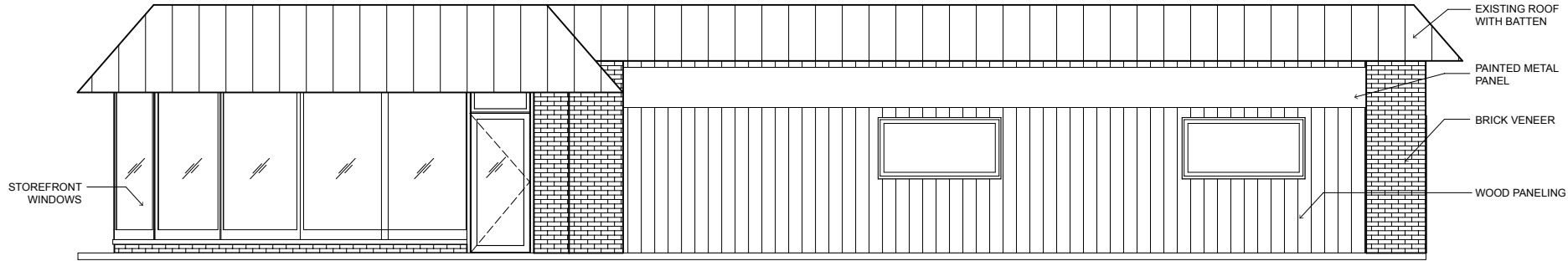
PROPOSED SITE PLAN

Date: 10/7/15
Scale: AS NOTED
Drawn By: TN
Job No.: 1511
Sheet:

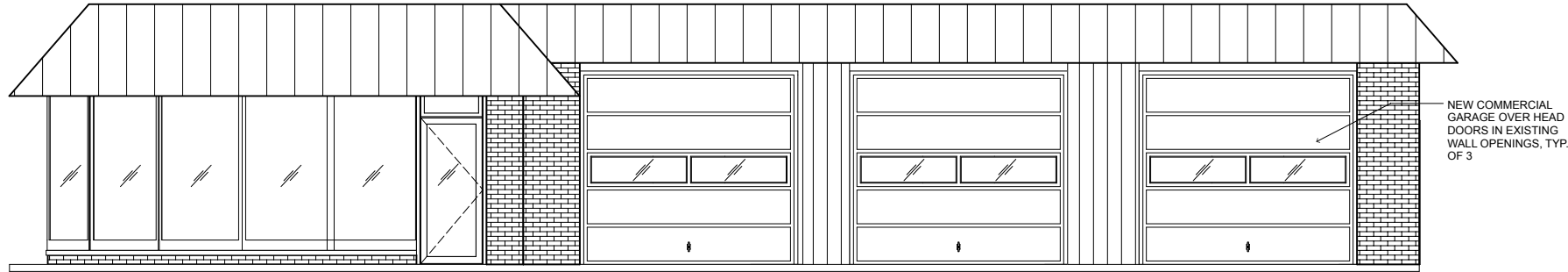
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1 EXISTING NORTH ELEVATION
SCALE: 11X17 SIZE DWGS, 1/8" = 1'-0", 22X34 SIZE DWGS, 1/4" = 1'-0"



2 PROPOSED NORTH ELEVATION
SCALE: 11X17 SIZE DWGS, 1/8" = 1'-0", 22X34 SIZE DWGS, 1/4" = 1'-0"



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NO.	DATE	REVISIONS
4	08/31/15	PRE-LIMINARY
5	10/05/15	VARIANCE 01
6	10/07/15	VARIANCE 02

I HEREBY CERTIFY that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Minnesota.

Signature: _____

Typed or Printed Name: ***ARCHITECT ***

Date: _____ Reg. No.: 44730

PROJECT NAME:

**GARAGE
RENOVATION**

LAYOUT NAME:

NORTH ELEVATION

Date: 10/7/15
Scale: AS NOTED
Drawn By: TN
Job No.: 1511
Sheet:

A.03

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KEMPER & ASSOCIATES INC.

PROFESSIONAL LAND SURVEYORS

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email: kemper@pro-ns.net
www.kempersurveys.com

6600 PORTLAND AVENUE SOUTH
CITY OF RICHFIELD, HENNEPIN COUNTY, MINNESOTA



NORTH SIDE OF 6600 PORTLAND AVENUE SOUTH
CITY OF RICHFIELD, HENNEPIN COUNTY, MINNESOTA

0 10 20
1 INCH EQUALS 20 FEET

BASIS FOR BEARINGS:
HENNEPIN COUNTY
COORDINATE SYSTEM
(NAD 83, 1996)

(VIA REAL TIME GPS
MEASUREMENTS UTILIZING
MINNESOTA DEPARTMENT
OF TRANSPORTATION
VRS NETWORK)

LEGAL DESCRIPTION

CERTIFICATE OF TITLE NO. 559944

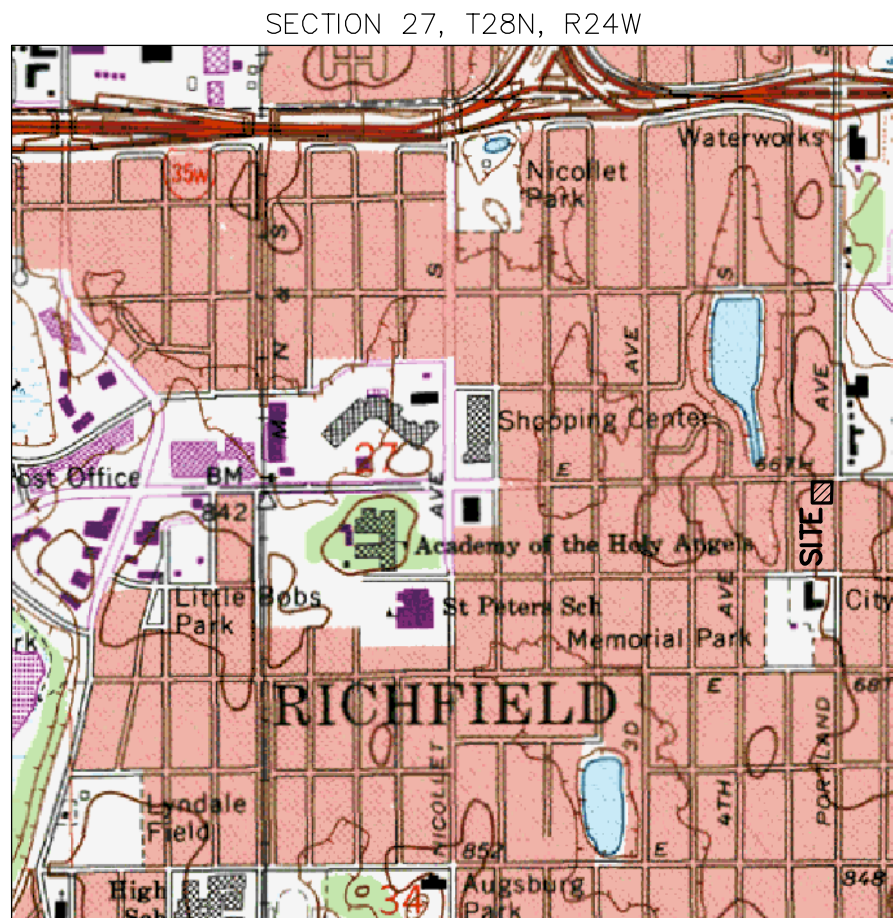
Lots 1, 2 and 3, including the East 1/2
of the vacated alley adjacent thereto,
Block 1, McCutchan's Portland Avenue
Park

AREA SUMMARY

Lots 1-3 = 19,577 SQ. FT. OR
0.4494 ACRES

PORTION WITHIN RIGHT OF WAY EASEMENT =
190 SQ. FT. OR 0.0044 ACRES

REMAINDER = 19,387 SQ. FT. OR
0.4450 ACRES



VICINITY MAP
(NO SCALE)

ZONING REQUIREMENTS

ZONED C-2 - GENERAL COMMERCIAL DISTRICT
SERVICE STATION/CONVENIENCE STORE IS A
CONDITIONAL USE

MINIMUM LOT AREA - 12,000 SQ. FT.

MINIMUM FRONTAGE - 120 FEET

MAXIMUM IMPERVIOUS SURFACE COVERAGE - 85%

MAXIMUM HEIGHT - 40 FEET OR 3 STORES

BUILDING SETBACKS:

FRONT - 35 FEET

(THE FRONT SETBACK REQUIREMENT FOR A
PRINCIPAL BUILDING ON A LOT LOCATED
ON A LOT LOCATED ALONG AN ARTERIAL
ROAD MAY BE REDUCED TO 5 FEET WHEN
A CUSTOMER ENTRANCE IS PROVIDED
ALONG THAT WALL OF THE BUILDING)
(THE MAXIMUM FRONT SETBACK FOR A
PRINCIPAL BUILDING ON A LOT LOCATED
ALONG AN ARTERIAL ROAD IS 40 FEET
OR THE AVERAGE SETBACK OF THE
EXISTING PRINCIPAL BUILDING(S)
ABUTTING SUCH LOT, WHICHEVER IS
GREATER, IN NO CASE SHALL THE FRONT
SETBACK FOR A PRINCIPAL BUILDING
EXCEED 90 FEET)

CORNER SIDE - 25 FEET

REAR - 15 FEET (ADJACENT TO R DISTRICT)

IF THE USE SITE ABUTS A RESIDENTIALLY
ZONED LOT, A BUFFER YARD OF NOT LESS
THAN 25 FEET IN WIDTH AND 75% ALL-
SEASON OPACITY FROM THE GROUND TO A
HEIGHT OF 6 FEET SHALL BE PROVIDED TO
SEPARATE ALL ASPECTS OF SUCH USE FROM
ADJUTING RESIDENTIAL PARCELS

PUMP ISLANDS SHALL BE LOCATED NOT LESS
THAN 20 FEET FROM ANY PROPERTY LINE

THE CANOPY MAY EXTEND UP TO 12 FEET
BEYOND THE CENTERLINE OF THE PUMP
ISLAND TOWARD THE STREET, BUT IN NO
INSTANCE SHALL A CANOPY BE LOCATED
CLOSER THAN 6 FEET FROM ANY LOT LINE

ONLY ONE CANOPY SHALL BE PERMITTED PER
STATION, UNLESS THE STATION IS LOCATED
ON A CORNER LOT, IN WHICH CASE TWO
CANOPIES MAY BE PERMITTED

THE CANOPY SHALL BE AT LEAST 14 FEET IN
HEIGHT, BUT NOT GREATER THAN 16 FEET IN
HEIGHT

PARKING SETBACKS:

FRONT - 8 FEET

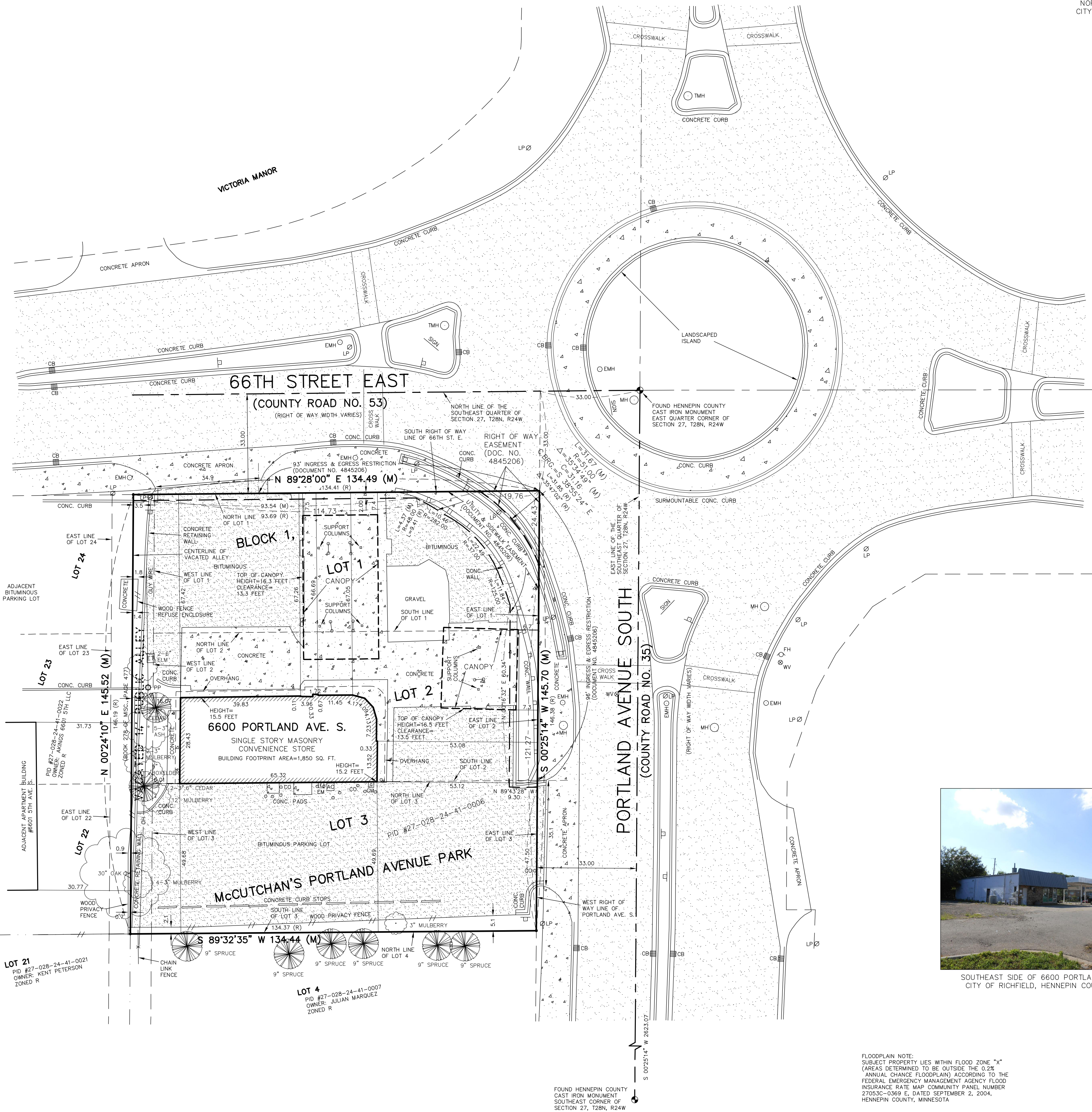
SIDE STREET - 8 FEET

SIDE - 15 FEET (ADJACENT TO R DISTRICT)

REAR - 10 FEET (ADJACENT TO R DISTRICT)

(AS PER CITY OF RICHFIELD ZONING CODE)

NOTE: OWNER AND ARCHITECT TO
VERIFY ALL ZONING REQUIREMENTS
WITH THE CITY OF RICHFIELD PRIOR
TO ANY DESIGN OR CONSTRUCTION



SOUTHEAST SIDE OF 6600 PORTLAND AVENUE SOUTH
CITY OF RICHFIELD, HENNEPIN COUNTY, MINNESOTA

LEGEND

- MH () MANHOLE
- CB () CATCH BASIN
- PP () POWER POLE
- LP () LIGHT POLE
- FH () FIRE HYDRANT
- WV () WATER VALVE
- TMH () TELEPHONE MANHOLE
- EMH () ELECTRIC MANHOLE
- ET () ELECTRIC TRANSFORMER
- CO () CLEAN OUT
- EM () ELECTRIC METER
- GM () GAS METER
- AC () AIR CONDITIONER
- SI () SIGN
- GP () GUARD POST
- OH () OVERHEAD UTILITY LINES
- (M) DENOTES DIMENSION
MEASURED DURING THE
COURSE OF THIS SURVEY
- (R) DENOTES RECORD
DIMENSION AS PER PLATS
AND LEGAL DESCRIPTIONS
- (S) DENOTES SET SURVEY
MONUMENT MARKED
"KEMPER 18407"

PREPARED FOR:
PHUONG LE
2004 GREAT OAKS DRIVE
BURNSVILLE, MN 55337
651-270-4253
phuongle819@hotmail.com

ARCHITECT:
TAN NGUYEN, AIA
NGUYEN ARCHITECTS, INC.
2637 27TH AVE. S., STE. 220A
MINNEAPOLIS, MN 55406
612-789-9287



CERTIFICATION
I HEREBY CERTIFY THAT THIS SURVEY, PLAN,
OR REPORT WAS PREPARED BY ME OR
UNDER MY DIRECT SUPERVISION AND THAT
I AM A FULLY LICENSED PROFESSIONAL LAND
SURVEYOR UNDER THE LAWS OF THE STATE
OF MINNESOTA

Mark D. Kemper
MARK D. KEMPER, PLS 18407

DATED THIS 24TH DAY OF JULY, 2015

KEMPER & ASSOCIATES, INC. (C)

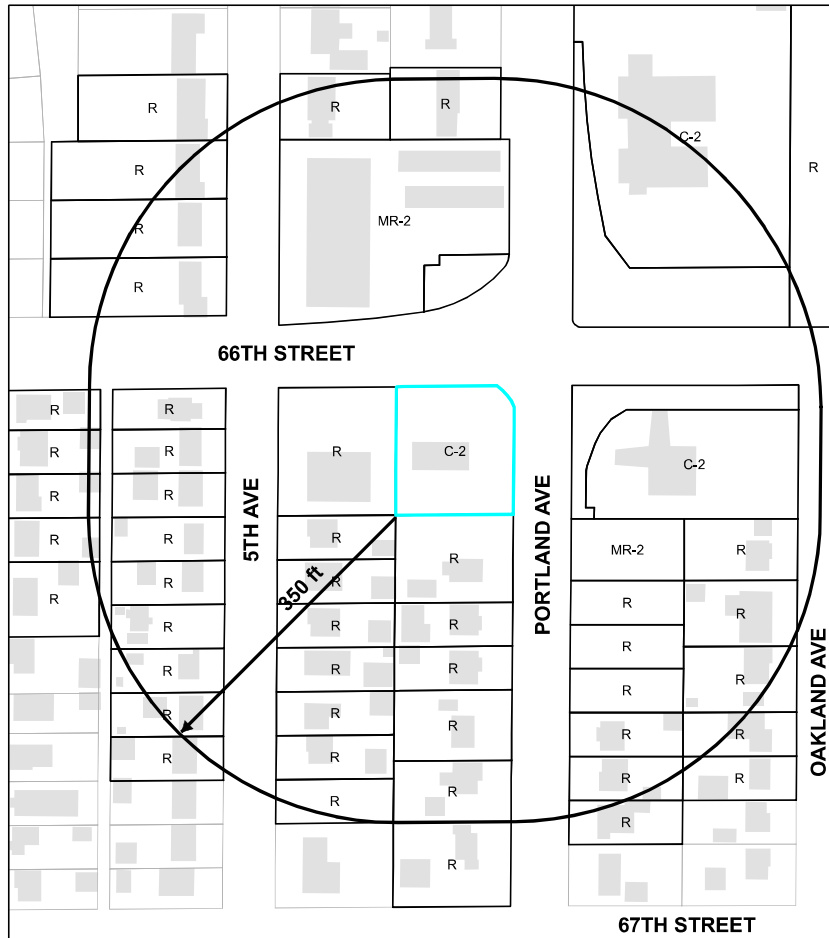
CERTIFICATE OF SURVEY

15185 (15185.DWG) D.B. TODD HOLEN

FLOODPLAIN NOTE:
SUBJECT PROPERTY LIES WITHIN FLOOD ZONE "X"
(AREAS DETERMINED TO BE OUTSIDE THE 0.2%
ANNUAL CHANCE FLOODPLAIN) ACCORDING TO THE
FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD
INSURANCE RATE MAP COMMUNITY PANEL NUMBER
27053C-0309 E, DATED SEPTEMBER 2, 2004,
HENNEPIN COUNTY, MINNESOTA

6600 Portland Ave - CUP, VAR 10/2015

Surrounding Zoning

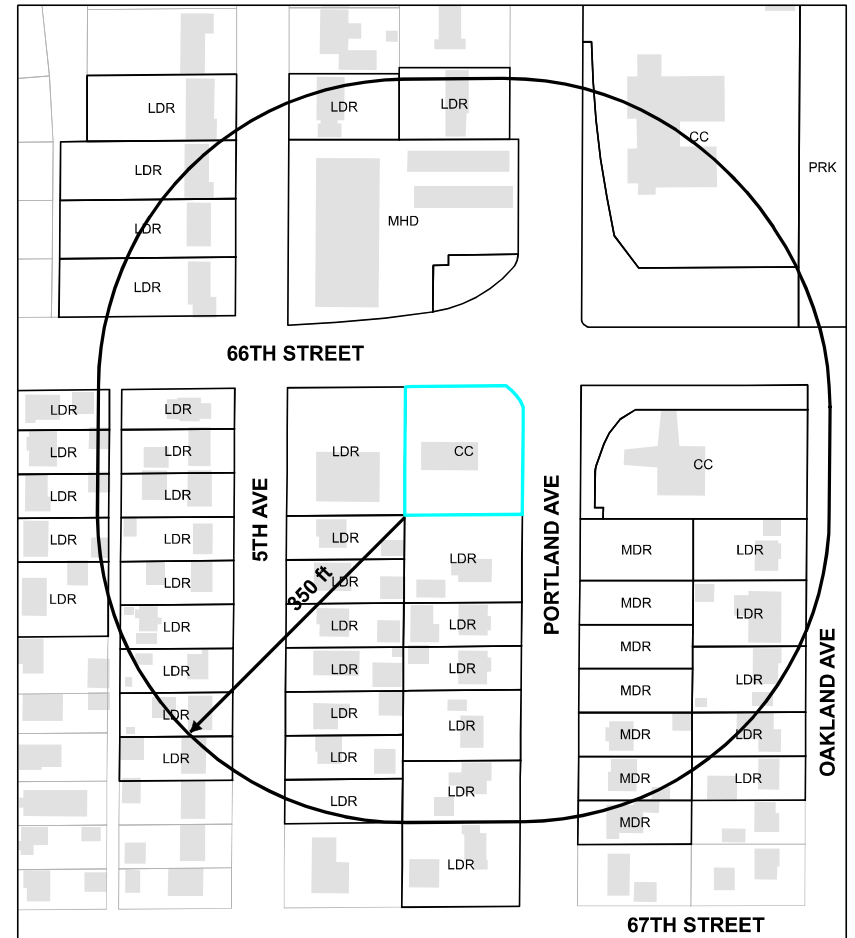


C-2 - General Commercial
MR-2 - Multi-Family Residential
R - Single Family Residential

I:\GIS\Community Development\Staff\Planning Tech\Projects\6600 Portland Ave - Z.mxd

6600 Portland Ave - CUP, VAR 10/2015

Surrounding Comprehensive Plan



CC - Community Commercial
MDH - Medium-High Density Residential
MDR - Medium Density Residential
LDR - Low Density Residential
PRK - Park

I:\GIS\Community Development\Staff\Planning Tech\Projects\6600 Portland Ave - CP.mxd



STAFF REPORT NO. 178
CITY COUNCIL MEETING
11/10/2015

REPORT PREPARED BY: Betsy Osborn, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Public Safety Director
11/3/2015

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich
11/4/2015

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the approval of an annual request for a Temporary On Sale Intoxicating Liquor license for the Church of St. Richard, located at 7540 Penn Avenue South, for their Novemberfest event to take place November 14-15, 2015.

EXECUTIVE SUMMARY:

On September 3, 2015, the City received application materials for a Temporary On Sale Intoxicating Liquor license for the Church of St. Richard, located at 7540 Penn Avenue South, for their annual Novemberfest to take place November 14-15, 2015. They will serve wine and 3.2 percent malt liquor from 5:00 p.m. to 10:00 p.m. on Saturday, November 14, 2015, only. No other intoxicating liquor beverages will be permitted.

They will serve lunch and a spaghetti dinner on Saturday, November 14, 2015. They will only be serving breakfast on Sunday, November 15, 2015. The Church of St. Richard has contacted food sanitarians from the City of Bloomington to ensure proper food handling practices are followed.

The Director of Public Safety has reviewed all required information and documents and has found no basis for denial.

The City Council has previously granted this license in conjunction with this event.

RECOMMENDED ACTION:

By Motion: Approve the issuance of a Temporary On Sale Intoxicating Liquor license for the Church of St. Richard, located at 7540 Penn Avenue South for their annual Novemberfest to take place November 14 -15, 2015.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

The applicant has satisfied the following requirements for the issuance of this license:

- The required licensing fee has been paid.
- Proof of liquor liability insurance has been provided showing The Catholic Mutual Relief Society of America affording the coverage.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

Richfield City Code Section 1202.05 requires all applicants to comply with all of the provisions of this code, as well as the provisions of Minnesota Statute Chapter 340A.

C. CRITICAL TIMING ISSUES:

There are no critical timing issues.

D. FINANCIAL IMPACT:

The required licensing fees have been received.

E. LEGAL CONSIDERATION:

There are no legal considerations.

ALTERNATIVE RECOMMENDATION(S):

The Council could decide to deny the approval of the Temporary On Sale Intoxicating Liquor license for the Church of St. Richard. This would mean the applicant would not be able to serve wine or 3.2 percent malt liquor. However, Public Safety has not found any basis for denial.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Church of St. Richard staff has been notified of the date of this meeting.



STAFF REPORT NO. 179
CITY COUNCIL MEETING
11/10/2015

REPORT PREPARED BY: Betsy Osborn, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Public Safety Director
11/3/2015

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich
11/4/2015

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the approval of an annual request for a Temporary On Sale Intoxicating Liquor license for St. Nicholas Episcopal Church, located at 7227 Penn Avenue South, for their Night Under A Western Sky event to take place November 14, 2015.

EXECUTIVE SUMMARY:

On September 10, 2015, the City received application materials for a Temporary On Sale Intoxicating Liquor license for St. Nicholas Episcopal Church for their Night Under A Western Sky event to take place November 14, 2015. They will serve wine and 3.2 percent malt liquor from 5:30 p.m. to 9:30 p.m. No other intoxicating liquor beverages will be permitted.

They will have both live and silent auctions and serve pre-packaged foods during the event.

The Director of Public Safety has reviewed all required information and documents and has found no basis for denial.

The City Council has previously granted this license in conjunction with this event.

RECOMMENDED ACTION:

By Motion: Approve the issuance of a Temporary On Sale Intoxicating Liquor license for the St. Nicholas Episcopal Church, located at 7227 Penn Avenue South, for their Night Under A Western Sky event to take place November 14, 2015.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

The applicant has satisfied the following requirements for the issuance of this license:

- The required licensing fee has been paid.
- Proof of liquor liability insurance has been provided showing The Church Insurance Company of Vermont affording the coverage.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

Richfield City Code Section 1202.05 requires all applicants to comply with all of the provisions of this

code, as well as the provisions of Minnesota Statute Chapter 340A.

C. **CRITICAL TIMING ISSUES:**

There are no critical timing issues.

D. **FINANCIAL IMPACT:**

The required licensing fees have been received.

E. **LEGAL CONSIDERATION:**

There are no legal considerations.

ALTERNATIVE RECOMMENDATION(S):

The Council could decide to deny the approval of the Temporary On Sale Intoxicating Liquor license for St. Nicholas Episcopal Church. This would mean the applicant would not be able to serve wine or 3.2 percent malt liquor. However, Public Safety has not found any basis for denial.

PRINCIPAL PARTIES EXPECTED AT MEETING:

St. Nicholas Episcopal Church staff has been notified of the date of this meeting.



STAFF REPORT NO. 180
CITY COUNCIL MEETING
11/10/2015

REPORT PREPARED BY: Betsy Osborn, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Public Safety Director
11/3/2015

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich
11/4/2015

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the approval of setting a public hearing to be held on December 8, 2015, for the consideration of the renewal of On-Sale Intoxicating and Sunday Liquor licenses for 2016 for Last Call Operating Co. II, Inc. d/b/a Champps Americana, Don Pablo's Operating, LLC d/b/a Don Pablo's, El Tejaban Mexican Grill, LLC d/b/a El Tejaban Mexican Grill, Thompson's Fireside Pizza, Inc. d/b/a Fireside Foundry, GM Richfield, LLC d/b/a Four Points by Sheraton Minneapolis Airport, Frenchman's Pub, Inc. d/b/a Frenchman's, Wiltshire Restaurants, LLC d/b/a Houlihan's Restaurant & Bar, Paisan, Inc. d/b/a Khan's Mongolian Barbeque, Lyn 65, LLC d/b/a Lyn 65 Kitchen & Bar, Pizza Luce VII, Inc. d/b/a Pizza Luce, Minneapolis-Richfield American Legion Post 435 and Fred Babcock VFW Post 5555 d/b/a Four Nickels Food & Drink.

EXECUTIVE SUMMARY:

Richfield City Ordinance provides that the City Council conduct a public hearing to consider the renewal of all On-Sale Liquor license renewals and a date be set for the public hearing. This request is for the approval of the setting of the public hearing scheduled for December 8, 2015, for the consideration of these license renewals.

RECOMMENDED ACTION:

By Motion: Approve the setting of a public hearing to be held on December 8, 2015, for the consideration of the renewal of On-Sale Intoxicating and Sunday Liquor licenses for 2015 for Last Call Operating Co. II, Inc. d/b/a Champps Americana, Don Pablo's Operating, LLC d/b/a Don Pablo's, El Tejaban Mexican Grill, LLC d/b/a El Tejaban Mexican Grill, Thompson's Fireside Pizza, Inc. d/b/a Fireside Foundry, GM Richfield, LLC d/b/a Four Points by Sheraton Minneapolis Airport, Frenchman's Pub, Inc. d/b/a Frenchman's, Wiltshire Restaurants, LLC d/b/a Houlihan's Restaurant & Bar, Paisan, Inc. d/b/a Khan's Mongolian Barbeque, Lyn 65, LLC d/b/a Lyn 65 Kitchen & Bar, Pizza Luce VII, Inc. d/b/a Pizza Luce, Minneapolis-Richfield American Legion Post 435 and Fred Babcock VFW Post 5555 d/b/a Four Nickels Food & Drink.

BASIS OF RECOMMENDATION:

A. **HISTORICAL CONTEXT**

- The On-Sale Liquor licenses for restaurant establishments will expire on December 31, 2015.
- Hearings must be scheduled and held before a renewal license may be considered.
- The renewal process has been initiated.
- Holding the public hearing on December 8, 2015, will provide ample time to complete the licensing process before January 1, 2016.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

Richfield City ordinance provides that the City Council conduct a public hearing to consider all On-Sale Intoxicating Liquor license renewals.

C. CRITICAL TIMING ISSUES:

Current On-Sale Intoxicating Liquor licenses will expire on December 31, 2015.

D. FINANCIAL IMPACT:

There are no financial considerations.

E. LEGAL CONSIDERATION:

There are no legal considerations.

ALTERNATIVE RECOMMENDATION(S):

Schedule the hearing for another date. However, this will delay the licensing process.

PRINCIPAL PARTIES EXPECTED AT MEETING:

There are no parties expected at the meeting.



STAFF REPORT NO. 181
CITY COUNCIL MEETING
11/10/2015

REPORT PREPARED BY: Betsy Osborn, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Public Safety Director
11/2/2015

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich
11/4/2015

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the approval of the setting of a public hearing to be held on December 8, 2015, for the consideration of the renewal of On-Sale Wine and On-Sale 3.2 Percent Malt Liquor licenses for 2016 for Chipotle Mexican Grill of Colorado, LLC d/b/a Chipotle Mexican Grill, Davanni's, Inc. d/b/a Davanni's Pizza & Hot Hoagies, Joy's Pattaya Thai Restaurant, LLC d/b/a Joy's Pattaya Thai Restaurant, Minnesota Junior Hockey Group, LLC d/b/a Minnesota Magicians (located in the Richfield Ice Arena), My Burger Operations, LLC, d/b/a My Burger, The Noodle Shop Co. Colorado, Inc. d/b/a Noodles & Company (two locations), Patrick's French Bakery, Inc. d/b/a Patrick's Bakery & Café, Henry Thou d/b/a Red Pepper Chinese Restaurant.

EXECUTIVE SUMMARY:

Richfield City ordinance provides that the City Council conduct a public hearing to consider the renewal of all On-Sale Wine and 3.2 Percent Malt Liquor license renewals and a date be set for the public hearing. This request is for the approval of the setting of the public hearing scheduled for December 8, 2015, for the consideration of these license renewals.

RECOMMENDED ACTION:

By Motion: Approve the setting of a public hearing to be held on December 8, 2015, for the consideration of the renewal of On-sale Wine and On-Sale 3.2 Percent Malt Liquor licenses for 2015 for Chipotle Mexican Grill of Colorado, LLC d/b/a Chipotle Mexican Grill, Davanni's, Inc. d/b/a Davanni's Pizza & Hot Hoagies, Joy's Pattaya Thai Restaurant, LLC d/b/a Joy's Pattaya Thai Restaurant, Minnesota Junior Hockey Group, LLC d/b/a Minnesota Magicians (located in the Richfield Ice Arena), My Burger Operations, LLC, d/b/a My Burger, The Noodle Shop Co. Colorado, Inc. d/b/a Noodles & Company (two locations), Patrick's French Bakery, Inc. d/b/a Patrick's Bakery & Café, Henry Thou d/b/a Red Pepper Chinese Restaurant.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- The On-Sale Wine and 3.2 Percent Malt Liquor licenses for restaurant establishments will expire on December 31, 2015.
- Hearings must be scheduled and held before a renewal license may be considered.

- The renewal process has been initiated.
- Holding the public hearing on December 8, 2015, will provide ample time to complete the licensing process before January 1, 2016.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

Richfield City ordinance provides that the City Council conduct a public hearing to consider all On-Sale Wine and 3.2 Percent Malt Liquor license renewals.

C. CRITICAL TIMING ISSUES:

Current On-Sale Wine and 3.2 Percent Malt Liquor licenses will expire on December 31, 2015.

D. FINANCIAL IMPACT:

There are no financial considerations.

E. LEGAL CONSIDERATION:

There are no legal considerations.

ALTERNATIVE RECOMMENDATION(S):

Schedule the hearing for another date. However, this will delay the licensing process.

PRINCIPAL PARTIES EXPECTED AT MEETING:

There are no parties expected at the meeting.



STAFF REPORT NO. 182
CITY COUNCIL MEETING
11/10/2015

REPORT PREPARED BY: Betsy Osborn, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Public Safety Director
11/3/2015

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich
11/4/2015

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the approval of setting a public hearing to be held on December 8, 2015, for the consideration of the renewal of Pawnbroker and Secondhand Goods Dealer licenses for 2015 for University Cash Company, LLC d/b/a Avi's Pawn and Jewelry and Metro Pawn and Gun, Inc.

EXECUTIVE SUMMARY:

Richfield City ordinance requires that the City Council conduct a public hearing to consider all Pawnbroker and Secondhand Goods Dealer license renewals and a date be set for the public hearing. This request is for the approval of the setting of the public hearing scheduled for December 8, 2015, for the consideration of these license renewals.

RECOMMENDED ACTION:

By Motion: Approve the setting of a public hearing to be held on December 8, 2015, for the consideration of the renewal of Pawnbroker and Secondhand Goods Dealer licenses for 2016 for University Cash Company, LLC d/b/a Avi's Pawn and Jewelry and Metro Pawn and Gun, Inc.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- The Pawnbroker and Secondhand Goods Dealer licenses for pawnshops will expire on December 31, 2015.
- Hearings must be scheduled and held before a renewal license may be considered.
- The renewal process has been initiated.
- Holding the public hearing on December 8, 2015, will provide ample time to complete the licensing process before January 1, 2016.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

Richfield City ordinance provides that the City Council conduct a public hearing to consider all Pawnbroker and Secondhand Goods Dealer license renewals.

C. CRITICAL TIMING ISSUES:

Current Pawnbroker and Secondhand Goods Dealer licenses will expire on December 31, 2015.

D. FINANCIAL IMPACT:

There are no financial considerations.

E. **LEGAL CONSIDERATION:**

There are no legal considerations.

ALTERNATIVE RECOMMENDATION(S):

Schedule the hearing for another date. However, this will delay the licensing process.

PRINCIPAL PARTIES EXPECTED AT MEETING:

There are no parties expected at the meeting.



STAFF REPORT NO. 183
CITY COUNCIL MEETING
11/10/2015

REPORT PREPARED BY: Betsy Osborn, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Public Safety Director
11/3/2015

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich
11/4/2015

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the second reading of an ordinance that amends the City's tobacco ordinance and a Resolution of Summary Publication.

EXECUTIVE SUMMARY:

In November 2014, the City Council placed a 12-month moratorium on new establishments that may want to allow indoor smoking or sampling of tobacco and related products. Staff conducted an in-depth study on the issue of tobacco use and conducted several meetings with the Advisory Board of Health and now brings this proposed Ordinance to the City Council for consideration. The proposed Ordinance would make the following changes to current regulations.

- Prohibit the use of electronic cigarettes in City-owned parks and other recreational facilities;
- Expand and clarify the definition of electronic cigarette;
- Add definitions to the Code pertaining to smoking, sampling and places where smoking is prohibited;
- Prohibit the sale of any electronic cigarette liquid that is not in child-resistant packaging;
- Set minimum pricing for certain cigar sales;
- Prohibit indoor smoking and sampling of tobacco products and electronic cigarette liquid that is not in child resistant packaging.
- Set minimum pricing for certain cigar sales;
- Prohibit indoor smoking and sampling of tobacco products and electronic cigarettes, except in establishments that are already licensed by the City; and
- Codify the current practice of the City to conduct at least two compliance checks of licensed premises yearly.

Prior to the original, second reading date scheduled for September 22, 2015, it was learned that a notice had not been sent out to all tobacco retailers before the Public Hearing as is required by law informing them of the changes. Therefore, the second reading was moved to November 10, 2015, after mailing out those notices to tobacco retailers.

It should also be noted that no retailers have contacted the City regarding the ordinance changes since a copy of the ordinance was mailed to each of them.

RECOMMENDED ACTION:

By Motion: Approve the second reading of an ordinance that amends the City's tobacco ordinance and approval of a Resolution of Summary Publication.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

The second reading of a 12-month moratorium on new establishments allowing indoor smoking or sampling of tobacco or similar products was approved by Council on November 10, 2014.

Shortly after that time, staff and the Richfield Advisory Board of Health were tasked with reviewing the current tobacco code to make any updates/recommendations to the Council concerning its contents. The Richfield Advisory Board of Health worked closely with Bloomington Public Health, Association for Non-Smokers Rights (ANSR), City staff and the City Attorney to conduct that process beginning at their January 2015 meeting.

Additional conversation and review was conducted by the Richfield Advisory Board of Health at their regular meetings in February, April, May, June, July and August. Members had many questions and reviewed the current ordinance carefully. The City Attorney attended several of these meetings to facilitate discussions regarding any legal issues/opinions.

Members of the Richfield Advisory Board of Health take the health of the citizens of Richfield very seriously and clearly wanted an ordinance update that would provide them with the most protection.

It should also be noted that the Recreation Services Director approved of the change to the section of the code that pertains to tobacco or electronic cigarette use in City Parks, etc.

First reading of these code amendments occurred at the City Council meeting of September 8, 2015.

Prior to the original, second reading date scheduled for September 22, 2015, it was learned that a notice had not been sent out to all tobacco retailers before the Public Hearing as is required by law informing them of the changes. Therefore, the second reading was moved to November 10, 2015, after mailing out those notices to tobacco retailers.

It should also be noted that no retailers have contacted the City regarding the ordinance changes since a copy of the ordinance was mailed to each of them.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

- State Law allows cities to adopt interim ordinances for the purposes of protecting the planning process and the health, safety and welfare of its citizens.
- The Clean Indoor Air Act allows cities to enact more stringent measures than state law to protect individuals from secondhand smoke.

C. CRITICAL TIMING ISSUES:

On November 10, 2014, the City Council approved of a second reading of an ordinance establishing a 12-month moratorium on new establishments allowing indoor smoking or sampling of tobacco or similar products. The consideration of this amended tobacco ordinance coincides closely with the end of the 12-month moratorium so it was critical for the Richfield Advisory Board of Health members to complete their review process in order to bring it back before the City Council and before the expiration of the 12-month moratorium.

D. FINANCIAL IMPACT:

None

E. LEGAL CONSIDERATION:

The City Attorney has met with and worked closely with members of the Richfield Advisory Board of Health, Association of Non-Smokers Rights (ANSR) and staff on the development and review of this

ordinance. She has reviewed it and approves of the content.

ALTERNATIVE RECOMMENDATION(S):

- Do not approve or approve with modifications, the attached ordinance.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Richfield residents, members of the Richfield Board of Health and ANSR will be present to testify on behalf of the ordinance. Tobacco retailers may also be in attendance.

ATTACHMENTS:

Description		Type
☐	Tobacco Ordinance	Ordinance
☐	Resolution authorizing summary publication of tobacco ordinance	Resolution Letter

BILL NO. _____

**AN ORDINANCE AMENDING SECTION 1146 OF THE CITY CODE
PERTAINING TO TOBACCO SALES AND THE
REGULATION OF SMOKING**

THE CITY OF RICHFIELD DOES ORDAIN:

Section 1. Subsection 840.13 of the Richfield City Code is amended as follows:

No person may use tobacco products or electronic cigarettes on City-owned parks, conservation areas, open spaces, or recreational facilities, including without limitation: trails within parks used for walking and biking, picnic shelters, athletic fields, and play areas. This subsection does not apply to the use of tobacco products or electronic cigarettes inside motor vehicles parked on the premises of City-owned parks, conservation areas, open spaces or recreational facilities.

Sec. 2. The following definition in subsection 1146.03 of the Richfield City Code is amended as follows:

Subd. 12. Electronic cigarette. “Electronic cigarette” shall mean any electronic-smoking device that can be used to deliver nicotine, lobelia or any other substances to the person inhaling from the device. The term shall include such devices whether they are manufactured as electronic cigarettes, electronic cigars, electronic pipes or any other product name and includes any component part of such a product whether or not sold separately. This term excludes any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

Sec. 3. Subsection 1146.03 of the Richfield City Code is amended by adding the following new definitions:

Subd. 13. Cigar. A “cigar” shall mean any roll of tobacco that is wrapped in tobacco leaf or in any substance containing tobacco, with or without a tip or mouthpiece, that is not a cigarette as defined in Minn. Stat. § 297F.01, subdivision 3 as amended from time to time.

Subd. 14. Smoking. “Smoking” shall mean inhaling or exhaling from, or carrying, any lighted or heated tobacco, tobacco product or tobacco-related device. Smoking also includes the inhaling or exhaling of vapor from any electronic cigarette, as well as carrying an electronic cigarette that is turned on or otherwise activated.

Subd. 15. Place of Employment. “Place of employment” shall mean any indoor area at which two or more individuals perform any type of service for consideration of

payment under any type of contractual relationship, including, but not limited to, an employment relationship with or for a private corporation, partnership, individual, or government agency. Place of employment includes any indoor area where two or more individuals gratuitously perform services for which individuals are ordinarily paid. A place of employment includes, but is not limited to, public conveyances, factories, warehouses, offices, retail stores, restaurants, bars, banquet facilities, theaters, food stores, banks, financial institutions, employee cafeterias, lounges, auditoriums, gymnasiums, restrooms, elevators, hallways, museums, libraries, bowling establishments, employee medical facilities, and rooms or areas containing photocopying equipment or other office equipment used in common. Vehicles used in whole or in part for work purposes are places of employment during hours of operation if more than one person is present. An area in which work is performed in a private residence is a place of employment during hours of operation if:

(1) the homeowner uses the area exclusively and regularly as a principal place of business and has one or more on-site employees; or

(2) the homeowner uses the area exclusively and regularly as a place to meet or deal with patients, clients, or customers in the normal course of the homeowner's trade or business.

Subd. 16. Public Meeting. "Public meeting" shall mean any meeting open to the public pursuant to Minn. Stat. § 13D.01.

Subd. 17. Public Place. "Public place" shall mean any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; retail and other commercial establishments; educational facilities; hospitals; nursing homes; auditoriums; arenas; meeting rooms; waiting rooms; and common areas of rental apartment buildings.

Subd. 18. Sampling. "Sampling" shall mean the lighting of tobacco, tobacco products, tobacco-related devices or the activation of and inhaling of vapor from electronic cigarettes in a retail establishment by a customer or potential customer for the purpose of sampling the product or device before a purchase.

Sec. 4. Subsection 1146.09 of the Richfield City Code is amended as follows:

1146.09. ~~Prohibited sales.~~ Prohibitions.

Subdivision 1. Prohibited Sales. It shall be a violation of this section for any person to sell or offer to sell any tobacco, tobacco product, ~~or tobacco-related device, or~~ electronic cigarettes:

- (a) To any person under the age of 18 years.
- (b) By anyone under the age of 18 years.

- (c) By means of any type of vending machine.
- (d) By means of self-service merchandising.
- (e) By means of loosies.
- (f) Containing opium, morphine, jimson weed, bella donna, strychnos, cocaine, marijuana, or other deleterious, hallucinogenic, toxic, or controlled substances except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process.
- (g) By any other means prohibited by Federal, State, or other local law, ordinance provision, or other regulation.

Subd. 2. Child-Resistant Packaging. The sale of any liquid, whether or not such liquid contains nicotine, that is intended for human consumption and used in an electronic cigarette or electronic delivery device, that is not contained in child-resistant packaging, is prohibited. All licensees under this Section must ensure that any such liquid is sold in child-resistant packaging, as defined in Minn. Stat. § 461.20, as amended from time to time.

Subd. 3. Cigar Sales. No person shall sell, offer for sale, or otherwise distribute cigars in original packages containing three (3) or fewer cigars for a sale price, after any coupons, multipack or buy-one-get-one promotions, or any other discounts are applied and prior to applicable sales taxes being imposed, of less than two dollars and sixty cents (\$2.60) per cigar contained within. In addition, no person shall sell, offer for sale, or otherwise distribute cigars in original packages of four (4) or more cigars for a sale price, after any coupons, multipack or buy-one-get-one promotions, or any other discounts are applied and prior to applicable sales taxes being imposed, of less than ten dollars and forty cents (\$10.40) per package. This subdivision does not apply to premium cigars as defined in Minn. Stat. § 297F.01, subdivision 13a. This subdivision shall become effective January 1, 2016.

Subd. 4. Smoking and Sampling Prohibited.

- (a) Smoking shall be prohibited, and no person shall smoke, in a public place, at a public meeting, or in a place of employment. This subdivision also prohibits the sampling of tobacco, tobacco products, electronic cigarettes and products used in electronic cigarettes.
- ~~(b) A licensee under this Section that allows sampling at its licensed premises on or before the effective date of this ordinance may continue to allow sampling, but only while that certain licensee operates at that certain licensed premises.~~

Subd. 5. Smoking permitted. Except sampling, which is expressly prohibited under subd. 4, smoking is permitted as identified in Minn. Stat. § 144.4167.

Sec. 5. Subsection 1146.17 of the Richfield City Code is amended as follows:

1146.17. - Compliance checks and inspections.

All licensed premises shall be open to inspection by Richfield law enforcement or other authorized City officials during regular business hours. From time to time, but at least ~~once~~ twice per year, the City shall conduct compliance checks by engaging, with the written consent of their parents or guardians, minors over the age of 15 years, to enter the licensed premise to attempt to purchase tobacco, tobacco products, tobacco-related devices, or electronic cigarettes. Minors used for the purpose of compliance checks shall be supervised by the Public Safety Director or the Public Safety Director's designee. Minors used for compliance checks shall not be guilty of the unlawful purchase or attempted purchase, nor the unlawful possession of tobacco, tobacco products, tobacco-related devices, or electronic cigarettes, when such items are obtained or attempted to be obtained as a part of the compliance check. No minor used in compliance checks shall attempt to use a false identification misrepresenting the minor's age and all minors lawfully engaged in a compliance check shall answer all questions about the minor's age, asked by the licensee or licensee's employee and shall produce any identification, if any exists, for which the minor is asked. Nothing in this subdivision shall prohibit compliance checks authorized by State or Federal laws for educational, research, or training purposes, or required for the enforcement of a particular State or Federal law.

Sec. 6. This Ordinance will be effective in accordance with Section 3.09 of the City Charter.

Adopted this ____ of _____, 2015.

By: _____
Debbie Goettel, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk

RESOLUTION NO. _____

**RESOLUTION APPROVING SUMMARY PUBLICATION OF
AN ORDINANCE PERTAINING TO TOBACCO SALES
AND THE REGULATION OF SMOKING**

WHEREAS, the City has adopted the above referenced ordinance; and

WHEREAS, the verbatim text of the ordinance is cumbersome, and the expense of publication of the complete text is not justified; and

WHEREAS, the following summary clearly informs the public of the intent and effect of the ordinance.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Richfield that the following summary is hereby approved for official publication:

**SUMMARY PUBLICATION
BILL NO. 2015- _____**

**AN ORDINANCE AMENDING SECTION 1146 OF THE
CITY CODE PERTAINING TO TOBACCO SALES
AND THE REGULATION OF SMOKING**

On November 10, 2015, the Richfield City Council adopted an ordinance designated as Bill No. _____, the title of which is stated above. This summary of the ordinance is published pursuant to Section 3.12 of the Richfield City Charter. The purpose of the Ordinance is to: 1) prohibit the use of electronic cigarettes in City-owned parks and other recreational facilities; 2) expand and clarify the definition of electronic cigarette; 3) add definitions to the Code pertaining to smoking, sampling and places where smoking is prohibited; 4) prohibit the sale of any electronic cigarette liquid that is not in child-resistant packaging; 5) set minimum pricing for certain cigar sales; 6) prohibit indoor smoking and sampling of tobacco products and electronic cigarettes, except in establishments that are already licensed and offering sampling; and, 7) codify the current practice of the City to conduct at least two compliance checks of licensed premises.

BE IT FURTHER RESOLVED, that the City Clerk is directed to keep a copy of the Ordinance in her office at City Hall for public inspection and to post a full copy of the Ordinance in a public place in the City for a period of two weeks. Copies of the Ordinance are also available upon request by calling 612-861-9738.

Adopted by the City Council of the City of Richfield, Minnesota this 10th day of November, 2015.

Debbie Goettel, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk



STAFF REPORT NO. 184
CITY COUNCIL MEETING
11/10/2015

REPORT PREPARED BY: Betsy Osborn, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Public Safety Director
11/4/2015

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich
11/4/2015

ITEM FOR COUNCIL CONSIDERATION:

Consideration of a second reading of an amendment to the City's Liquor Ordinance in section 1202 that would permit micro-breweries, micro-distilleries, associated taprooms and cocktail rooms in the City and a resolution authorizing summary publication of the ordinance.

EXECUTIVE SUMMARY:

With the State Legislature's 2011 approval of the "Surly Bill," allowing breweries to serve pints of their own beer on-site, micro-breweries and their associated "taprooms" have opened up in numerous locations throughout the metro area. Richfield staff has spoken with four parties who have expressed interest in opening a taproom within the City. Following a study session with the City Council and Planning Commission on July 27th, 2015, at which policy makers expressed support for allowing micro-breweries, taprooms and similar businesses, staff and the City Attorney have worked with consultant Addison Lewis of WSB & Associates to craft the attached ordinance.

The ordinance defines the various types of alcohol license categories as well as speaks to production limitations. It also allows for the sale of beverages in these categories on Sundays and limits the number of types of licenses that will be allowed in each category.

A brewpub means a micro-brewery with a restaurant operated on the same premises as the brewery. This type of establishment will have to adhere to the current requirements in place as do all other on-sale alcohol establishments.

For other license categories, the proposed ordinance will allow the sale of "growlers" and bottles of distilled spirits for off-premise consumption of products produced on-site. The proposed regulations also include a stipulation that requires taprooms/cocktail rooms to either provide food on-site or to expressly allow patrons to bring in their own or have access to food via other neighboring restaurants.

This ordinance received first reading by the City Council at their October 27, 2015 Council meeting.

RECOMMENDED ACTION:

By motion: Approve a second reading of the ordinance amending the Richfield City Code 1202 to permit micro-breweries, micro distilleries, associated taproom and cocktail rooms in the City and a

resolution authorizing summary publication of the ordinance.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

A study session was held with the City Council and Planning Commission on July 27, 2015 on the subject matter. At that time, policy makers indicated a desire to support an ordinance and asked staff to develop an ordinance and to bring it back before them.

The ordinance received first reading by the City Council at their October 27, 2015 Council meeting.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

- On-going review and periodic updating of the Code is necessary to ensure that regulations are serving their intended purposes.
- Community Development, Licensing and Public Safety staff have worked together to craft the proposed ordinance.
- This ordinance will work in concert with revised zoning ordinances.

C. CRITICAL TIMING ISSUES:

None

D. FINANCIAL IMPACT:

None

E. LEGAL CONSIDERATION:

- The second reading and summary publication are being presented to the City Council at this time.
- The City Attorney has reviewed this ordinance and approves of its contents.

ALTERNATIVE RECOMMENDATION(S):

- Approve a second reading and summary publication of the ordinance with amendments.
- Reject the proposed ordinance.

PRINCIPAL PARTIES EXPECTED AT MEETING:

None

ATTACHMENTS:

Description	Type
☐ Taproom/Brewpub ordinance	Ordinance
☐ Summary Publication - Taprooms/Brewpubs	Exhibit

BILL NO. _____

**AN ORDINANCE AMENDING SECTION 1202 OF THE CITY CODE
PERTAINING TO LICENSES FOR MICRO-PRODUCTION FACILITIES AND
ON-SALE TAPROOMS AND COCKTAIL ROOMS**

THE CITY OF RICHFIELD DOES ORDAIN:

Section 1. Subsection 1202.01 of the Richfield City Code is amended as follows to add the following new definitions numbered as Subdivisions and in alphabetical order, with the remaining Subdivisions re-numbered accordingly:

“Brewer” means a person who manufactures malt liquor for sale.

“Brewpub” means a micro-brewery with a restaurant use operated on the same premises as the brewery.

“Cocktail Room” means an area for the on-sale consumption of distilled spirits produced at the distillery for consumption on the premises of the distillery or distillery-owned property adjacent to the distillery. A cocktail room may also include sale for off-premises consumption of distilled spirits produced at the distillery, subject to Minnesota Statute 340A.22, subd. 4 or its successor.

“Growler” means a specially-designed 64 ounce or 750 ml beer container for exclusive off-sale of micro-brewery facility beer. A growler shall be packaged subject to Minnesota Statute 340A.285, or its successor.

“Malt Liquor” means any beverage made from malt by fermentation and containing not less than one-half of one percent alcohol by volume.

“Micro-brewery” means a facility that produces for sale, distribution, and consumption beer, ale, malt liquor, or other beverages made from malt by fermentation and containing not less than one-half of one percent alcohol by volume, and which possesses the appropriate Federal, State, and Municipal licenses and which produces not more than 3,500 barrels of malt liquor in a calendar year. A micro-brewery may include a taproom.

“Micro-distillery” means a facility that produces Ethyl Alcohol, hydrated oxide or ethyl, spirits of wine, rum, brandy, gin, or other distilled spirits, including all dilutions and mixtures thereof, for non-industrial use in total quantity not to exceed 40,000 gallons in a calendar year. A distillery may include a cocktail room.

“Taproom” means an area for the on-sale consumption of malt liquor produced by the brewer for consumption on the premises of a brewery or an abutting property in common ownership of the brewer, which may include sales of malt

liquor produced and packaged at the brewery for off-premises consumption, subject to Minnesota Statute 340A.285, or its successor.

Sec. 2. Subsection 1202.05, subdivision 3 of the Richfield City Code is amended as follows:

Subd. 3. Types of licenses. The following types of licenses will be issued by the City:

...

(b) Intoxicating liquor.

- (1) On-sale. The City may issue on-sale intoxicating liquor licenses only to hotels, restaurants, brew pubs, and clubs. No more than 15 licenses may be issued, excluding licenses issued to clubs.

...

(c) Sunday Sales.

- (1) Hotels, restaurants, brew pubs and clubs that hold an on-sale intoxicating liquor license may obtain a Sunday sales license and serve alcoholic beverages between the hours of 8:00 a.m. Sunday and 2:00 a.m. Monday in conjunction with the serving of food.

...

(e) Micro-brewery on-sale malt liquor license ("Taproom License").

- (1) The City may issue an on-sale taproom license to the holder of a brewer's license issued by the Commissioner under Minn. Stat. § 340A.301, subd. 6, clause (c), (i), or (j).
- (2) The license authorizes the on-sale of malt liquor produced by the brewer for consumption on the premises of or adjacent to one brewery location owned or rented by the brewer, subject to the requirements of this Section and Minn. Stat. § 340A.26.
- (3) Total production of malt liquor shall not exceed 3,500 barrels annually.
- (4) Except as provided herein, all provisions of this Section that apply to on-sale intoxicating liquor licenses shall apply to on-sale taproom licenses.
- (5) Licensees must have food options available to patrons. Such options may include, but are not limited to, meals or snacks that are prepared or heated on-site; pre-packaged meals or snacks available for sale on-site; on-line ordering or take-out available from neighboring restaurants. Food sales are not subject to the requirements in subsection 1201.21, subd. 18(a).

- (6) The City Council may authorize a taproom to conduct on-sale business on Sundays.
 - (7) No more than two (2) taproom licenses may be issued.
- (f) Micro-brewery off-sale malt liquor license (“Growler” sales).
 - (1) The City may issue an off-sale micro-brewery malt liquor license to the holder of a brewer’s license issued by the Commissioner under Minn. Stat. § 340A.301, subd. 6, clause (i), or (j). The license authorizes the brewer to sell, at off-sale, malt liquor that has been produced and packaged by the brewer at its licensed premises in sixty four (64) ounce containers commonly known as “Growlers”, subject to Minn. Stat. § 340A.285.
 - (2) The total production of malt liquor for off-sale shall not exceed 500 barrels annually, and the total production of on-sale and off-sale cannot exceed 3,500 barrels per year.
 - (3) The license is subject to the requirements of this Section and Minn. Stat. § 340A.28.
 - (4) The City Council may authorize a micro-brewery to conduct sales of growlers only at off-sale on Sundays with no additional license needed.
 - (5) No more than two (2) micro-brewery off-sale malt liquor licenses may be issued.
- (g) Brew pub off-sale malt liquor license (“Brew pub”).
 - (1) The City may issue an off-sale brew pub license to the holder of both a brewer’s license issued by the Commissioner under Minn. Stat. § 340A.301, subd. 6, clause (d) and a City-issued on-sale intoxicating liquor license for a restaurant operation.
 - (2) The license is subject to the requirements of this Section, and Minn. Stat. § 340A.24.
 - (3) The City Council may authorize a brew pub to conduct sales of growlers only at off-sale on Sundays with no additional license needed.
 - (4) No more than two (2) brew pub malt liquor licenses may be issued.
- (h) Microdistillery off-sale license.
 - (1) The City may issue an off-sale microdistillery license to a microdistillery licensed by the Commissioner for the off-sale of distilled spirits.
 - (2) The license allows the sale of one 375 milliliter bottle per customer per day of product manufactured on-site, subject to the following requirements:
 - (a) Off-sale hours of sale must conform to hours of sale for retail off-sale licensees in the City; and
 - (b) No brand may be sold at the micro-distillery unless it is also available for distribution by wholesalers.

- (3) The license is subject to the requirements of this Section and Minn. Stat. § 340A.22.
- (4) No more than two (2) microdistillery off-sale licenses may be issued.
- (i) Microdistillery cocktail room license (“Cocktail Room”).
 - (1) The City may issue a cocktail room license to the holder of a microdistillery license issued by the Commissioner.
 - (2) A cocktail room license authorizes on-sale of distilled liquor produced by the distiller for consumption on the premises of or adjacent to one distillery location owned by the distiller.
 - (3) This license is subject to the requirements of this Section and Minn. Stat. § 340A.22. Except as provided herein, all provisions of this section that apply to an on-sale intoxicating liquor license apply to a cocktail room license.
 - (4) Licensees must have food options available to patrons. Such options may include, but are not limited to, meals or snacks that are prepared or heated on-site; pre-packaged meals or snacks available for sale on-site; on-line ordering or take-out available from neighboring restaurants. Food sales are not subject to the requirements in subsection 1201.21, subd. 18(a).
 - (5) No more than two (2) cocktail room licenses may be issued.

Sec. 3. Subsection 1202.17, subdivision 2 of the Richfield City Code is amended as follows:

...

Subd. 2. Statement for food sales. At the time a restaurant, brew pub or hotel submits a renewal application for an on-sale license, the applicant must file with the Director a statement made by a certified public accountant that shows the total alcohol sales and the total food sales of the restaurant, brew pub or hotel for the 12-month period immediately preceding the date for filing the renewal application.

Subd. 3. Production reports. At the time a micro-brewery or microdistillery submits a renewal application for an on-sale or off-sale license, the applicant must file with the Director a production report showing the total volume of alcoholic beverages produced for the 12-month period immediately preceding the date for filing the renewal application.

Sec. 4. Subsection 1202.21 of the Richfield City Code is amended as follows:

...

Subd. 6. No combination sales.

(a) On-sale licensees may not sell alcoholic beverages off-sale, except as otherwise allowed by this Section.

...

Subd. 18. Food requirements.

(a) Restaurants and brew pubs licensed under this ~~chapter~~ Section must be conducted such that of the total alcohol and food sales, more than 50 percent of that total is derived from business activities related to the serving of food.

...

Subd. 20. Original package.

(a) A licensee may not sell, offer for sale, or keep for sale, alcoholic beverages in any original package which has been refilled or partly refilled. This prohibition does not apply to the refilling and off-sale of growlers as allowed by this Section and Minn. Stat. § 340A.285.

(b) No licensee may in any manner tamper with the contents of an original package so as to change its composition or alcoholic content while in the original package. Possession on the premises by the licensee of any alcoholic beverage in the original package differing in the composition or alcoholic content in the liquor when received from the manufacturer or wholesaler from whom it was purchased will be prima facie evidence that the contents of the original package has been diluted, changed or tampered with.

Sec. 5. This Ordinance is effective in accordance with Section 3.09 of the Richfield City Charter.

Adopted by the City Council of the City of Richfield, Minnesota this ____ day of _____, 2015.

Debbie Goettel, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk

RESOLUTION NO. _____

**RESOLUTION APPROVING SUMMARY PUBLICATION OF
AN ORDINANCE PERTAINING TO LICENSES FOR MICRO-PRODUCTION
FACILITIES AND ON-SALE TAPROOMS AND COCKTAIL ROOMS**

WHEREAS, the City has adopted the above referenced ordinance; and

WHEREAS, the verbatim text of the ordinance is cumbersome, and the expense of publication of the complete text is not justified; and

WHEREAS, the following summary clearly informs the public of the intent and effect of the ordinance.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Richfield that the following summary is hereby approved for official publication:

**SUMMARY PUBLICATION
BILL NO. 2015- _____**

**AN ORDINANCE AMENDING SECTION 1202 OF THE
CITY CODE PERTAINING TO LICENSES FOR MICRO-PRODUCTION
FACILITIES AND ON-SALE TAPROOMS AND COCKTAIL ROOMS**

On November 10, 2015, the Richfield City Council adopted an ordinance designated as Bill No. _____, the title of which is stated above. This summary of the ordinance is published pursuant to Section 3.12 of the Richfield City Charter. The Ordinance permits the City to issue on-sale and off-sale liquor licenses, as applicable, to micro-breweries, micro-distilleries and taprooms and cocktail rooms in the City. The ordinance regulates the operation of these establishments, sets production limits and allows for certain sales to occur on Sundays. The ordinance requires taprooms and cocktail rooms to provide food on-site or to allow patrons to bring in food or have access to food from neighboring restaurants.

BE IT FURTHER RESOLVED, that the City Clerk is directed to keep a copy of the Ordinance in her office at City Hall for public inspection and to post a full copy of the Ordinance in a public place in the City for a period of two weeks. Copies of the Ordinance are also available upon request by calling 612-861-9738.

Adopted by the City Council of the City of Richfield, Minnesota this 10th day of November, 2015.

Debbie Goettel, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk



STAFF REPORT NO. 185
CITY COUNCIL MEETING
11/10/2015

REPORT PREPARED BY: Melissa Poehlman, City Planner

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director
11/4/2015

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich
11/4/2015

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the second reading of an amendment to the City's Zoning Ordinance and a Resolution approving summary publication of said Ordinance. The proposed Ordinance would conditionally permit micro-breweries, micro-distilleries and associated taprooms/cocktail rooms in a number of commercial and mixed use districts.

EXECUTIVE SUMMARY:

With the State Legislature's 2011 approval of the "Surly Bill," allowing breweries to serve pints of their own beer on-site, micro-breweries and their associated "taprooms" have opened up in numerous locations throughout the metro area. Richfield staff has spoken with four parties who have expressed interest in opening a taproom within the City. Following a study session with the City Council and Planning Commission on July 27th, at which policy makers expressed enthusiastic support for allowing micro-breweries, taprooms and similar businesses, staff and the City Attorney have worked with consultant Addison Lewis of WSB & Associates to craft the attached Ordinance.

The proposed Ordinance will conditionally allow micro-production facilities for both beer and distilled spirits in the General Business (C-2), Mixed Use - Community (MU-C) and Mixed Use - Regional (MU-R) Districts.

Production capacity has been limited to 3,500 barrels of malt liquor and 40,000 gallons of distilled spirits respectively, per year for facilities that include a taproom/cocktail room. These limitations are similar to those that were adopted by St. Louis Park (Steel Toe Brewing) and Wayzata. Micro-production facilities that wish to operate without an accessory taproom/cocktail room have been limited to half of these amounts (1,750 barrels; 20,000 gallons) except in the Industrial Zoning District. State Law allows production of up to 250,000 barrels and communities have approved a variety of limits between 3,500 barrels and this cap. State Law limits the production of distilled spirits to 40,000 gallons and communities seem to have either deferred to this limit or prohibited micro-distilleries. The proposed Ordinance will allow the sale of "growlers" and bottles of distilled spirits for off-premise consumption of products produced on-site. The proposed regulations include a stipulation that requires taprooms/cocktail rooms to either provide food on-site or to expressly allow patrons to bring in their own. Additional details and stipulations related to licensing, deliveries, odors, etc. can be found in the proposed Ordinance attached to this report.

RECOMMENDED ACTION:

By motion:

1. Approve the Ordinance amending the Richfield City Code to conditionally permit micro-production facilities and associated taprooms/cocktail rooms.
2. Approve the Resolution authorizing summary publication of an amendment to the Richfield City Code to conditionally permit micro-production facilities and associated taprooms/cocktail rooms.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

None

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

- Ongoing review and periodic updating of the Code is necessary to ensure that regulations are serving their intended purposes.
- The Zoning Code is the manner by which the City implements its Comprehensive Plan and other redevelopment/revitalization plans.
- The City Council and Planning Commission have expressed a desire to open up the community to these uses.
- Community Development, Licensing and Public Safety staff have worked together to craft the proposed Ordinance.
- This Ordinance will work in concert with revised licensing regulations.
- In instances where the full text of an amendment is cumbersome and the expense of publication of the full text is not justified, the City is permitted to publish a summary of the approved text.

C. CRITICAL TIMING ISSUES:

None

D. FINANCIAL IMPACT:

None

E. LEGAL CONSIDERATION:

- A public hearing was held before the Planning Commission on September 28, 2015.
- Notice of the public hearing was published in the Sun Current newspaper in accordance with State and Local requirements. No members of the public spoke.
- The Planning Commission recommended approval of the proposed amendment (4-0).
- A first reading of the Ordinance was approved by the Council on October 27, 2015.

ALTERNATIVE RECOMMENDATION(S):

- Direct staff to modify the proposed Ordinance.
- Reject the proposed Ordinance.

PRINCIPAL PARTIES EXPECTED AT MEETING:

N/A

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Ordinance	Ordinance
<input type="checkbox"/> Resolution	Resolution Letter

BILL NO. _____

**AN ORDINANCE AMENDING THE RICHFIELD CITY CODE TO ALLOW
MICRO-PRODUCTION FACILITIES AND TAPROOMS/COCKTAIL ROOMS IN
COMMERCIAL AND MIXED-USE ZONING DISTRICTS**

THE CITY OF RICHFIELD DOES ORDAIN:

Section 1 Subsection 507.07 of the Richfield City Code is amended to add new definitions to read as follows and be inserted alphabetically, and by now renumbering all following subdivisions accordingly:

“Brewer.” A person who manufactures malt liquor for sale.

“Brewpub.” A micro-brewery with a restaurant use operated on the same premises as the brewery.

“Cocktail Room.” “An area for the on-sale consumption of distilled spirits produced at the distillery for consumption on the premises of the distillery or distillery-owned property adjacent to the distillery. A cocktail room may also include sale for off-premises consumption of distilled spirits produced at the distillery, subject to Minnesota Statute 340A.22, Subd. 4 or its successor.

“Growler.” A specially designed 64 ounce or 750 ml beer container for exclusive off-sale of micro-brewery facility beer. A growler shall be packaged subject to Minnesota Statute 340A.285, or its successor.

“Malt Liquor.” Any beverage made from malt by fermentation and containing not less than one-half of one percent alcohol by volume.

“Micro-brewery.” A facility that produces for sale, distribution, and consumption beer, ale, malt liquor, or other beverages made from malt by fermentation and containing not less than one-half of one percent alcohol by volume, and which possesses the appropriate Federal, State, and Municipal licenses and which produces not more than 3,500 barrels of malt liquor in a calendar year. A micro-brewery may include a taproom.

“Micro-distillery.” A facility that produces Ethyl Alcohol, hydrated oxide or ethyl, spirits of wine, rum, brandy, gin, or other distilled spirits, including all dilutions and mixtures thereof, for non-industrial use in total quantity not to exceed 40,000 gallons in a calendar year. A distillery may include a cocktail room.

“Micro-production facility.” A facility in which beer or other alcoholic beverages are brewed, fermented, or distilled for distribution and

consumption. Micro-production facilities include breweries, brewpubs, and distilleries.

“Taproom (Brewery).” An area for the on-sale consumption of malt liquor produced by the brewer for consumption on the premises of a brewery or an abutting property in common ownership of the brewer, which may include sales of malt liquor produced and packaged at the brewery for off-premises consumption as allowed by Minnesota Statute 340A.285, or its successor.

Section 2 Subsection 512.07 of the Richfield City Code is amended to read as follows:

512.07. - Permitted, Conditional, Accessory and Prohibited Uses in Commercial Districts.

The following table summarizes which land uses are classified as permitted, accessory, conditional or prohibited in the Commercial Districts. Refer to Sections 529 through 534 for complete regulations. (Amended, Bill No. 2011-19)

P: Permitted

A: Accessory

C: Conditional

N: Null or not Permitted

Land Use	S-O	C-1	C-2
Adult businesses	N	N	P
Animal kennels	N	N	P/C
Apartments within a commercial building	A	A/C	C
Assembly, light manufacturing, warehouse	N	N	A
Auction houses	N	N	P
Auto mechanical/body repair	N	N	C
Auto detailing	N	N	C
Auto or boat sales	N	N	C
Auto stereo installation service	N	N	P
Auto washes	N	N	C
Barber or beauty shops	P/C	P/C	P/C

Bicycle stores	N	P/C	P/C
Bicycle repair shops	P/C	P/C	P/C
Bowling alleys	N	N	P
Carpet or paint stores	N	P/C	P/C
Cemeteries	N	N	C
Convenience store	N	P	P
Day care facilities	C	P	P
Drug stores without drive-up facility	N	P/C	P/C
Drug stores with drive-up window	N	N	C
Emergency shelter	N	N	C
Enclosed storage	A	A	A
Fences, walls and hedges	A	A	A
Financial institutions without drive-up service	N	N	P
Financial institutions with drive-up service	N	N	C
Firearms related uses	N	N	C
Fortune telling	N	N	P
Funeral homes, mortuaries	N	N	C
Furniture or appliance stores	N	P/C	P/C
Governmental buildings	P	P	P
Grocery stores	N	P/C	P/C
Health club or studio, spa	N	P	P
Hospital or 24-hour urgent care	P/C	P/C	P/C
Hotel or motel (6 or more units)	N	N	C
Junk yard	N	N	N
Libraries, public	P	P	P
Liquor store, municipal	N	N	P
Marijuana (medical) dispensaries	N	N	C
Marijuana (recreational) sales outlets	N	N	N
<u>Micro-production facility (micro-brewery/micro-distillery)</u>	<u>N</u>	<u>N</u>	<u>C</u>
Nursing home	P	P	N
Office, single-tenant, professional, executive or business	P/C	P/C	P/C
Office, multi-tenant, professional, executive, or business	P/C	P/C	P/C

Outdoor merchandising or storage (except as allowed by Section 1135 of the City Code)	N	N	N
Parking	A	A	A
Pawn shops and second hand goods dealers licensed under Section 1186 or 1187 of the City Code	N	N	C
Public utility, minor	A	A	A
Public utility, major	C	C	C
Religious institutions	N	N	P
Restaurant, take-out only (Class IV)	N	C	P
Restaurant, fast food/convenience food (Class III) or any restaurant with drive-up service	N	N	C
Restaurant, traditional or cafeteria (Class II)	N	C	C
Restaurant, full service (Class I)	N	N	C
Retail, general (single or multi-tenant)	N	P/C	P/C
Schools, public or private	N	N	P
Service station	N	N	C
Service station/convenience store	N	N	C
Service or non-auto repair shop	P/C	P/C	P/C
<u>Taproom / Cocktail Room</u>	<u>N</u>	<u>N</u>	<u>A/C</u>
Tattoo shops	N	N	C
Taxi or limousine service	N	N	P
Theater, movie or live entertainment	N	N	C
Veterinary clinic	N	N	P

Section 3

Subsection 512.09 of the Richfield Code is amended to read as follows:

512.09. - Permitted, Conditional, Accessory and Prohibited Uses in Mixed-Use Districts.

The following table summarizes which land uses are classified as permitted, accessory, conditional or prohibited in the Mixed-Use Districts. Refer to Section 537 for complete regulations.

P: Permitted

A: Accessory

C: Conditional

N: Null or not Permitted

Land Use	MU-N	MU-C	MU-R
Residential			
Townhome development	P	N	N
Multifamily dwellings (min. 3 units)	P	P	P (but see 537.07 Subd. 2a)
Live-work units	P	P	N
Assisted living facilities, nursing, rest homes	P	P	N
Other			
Adult businesses	N	P	P
Animal kennels	C	C	C
Assembly and manufacturing accessory and subordinate to retail use	N	A	A
Auto mechanical/body repair	N	C	C
Auto detailing	N	C	C
Auto rental facilities as an accessory to primary office or hotel use	N	A	A
Auto sales	N	N	C
Clinics	A*	P	P
Convenience store	P*	P	P
Day care facilities	P	P	P
Drive-up window or teller service	N	C	C
Firearms related uses	N	N	C
Funeral homes, mortuaries	N	P	N
Governmental buildings	A	P	A
Health or athletic clubs, spas, yoga studios	N	P	P
Hotel or motel (6 or more units)	N	P	P
Hospitals	N	N	P
Libraries, public	P	P	N
Marijuana (medical) dispensaries	N	N	N
Marijuana (recreational) sales outlets	N	N	N

<u>Micro-production facility (micro-brewery/micro-distillery)</u>	<u>N</u>	<u>C</u>	<u>C</u>
Offices	A	P	P
Parking	A	A	A
Police sub-station	P	P	P
Public utilities	A	A	A
Recreational facilities, noncommercial, principal use	P	P	P
Religious institutions	P	P	A
Restaurant, take-out only (Class IV)	P	P	P
Restaurant, fast food/convenience food (Class III)	N	C	C
Restaurant, traditional or cafeteria (Class II)	P	P	P
Restaurant, full service (Class I)	N	C	P
Retail, neighborhood services	P	P	P
Retail, general services	C	P	P
Retail, regional services	N	C	P
Schools, public or private	P	P	C
Service station	N	P	P
Service station/convenience store	N	P	P
<u>Taproom/Cocktail Room</u>	<u>N</u>	<u>A/C</u>	<u>A/C</u>
Tattoo shops	N	P	P
Theaters, movie or live entertainment	N	N	P
Transit facilities	A	A	A

*Conditions apply; see section 537 for complete regulations.

Section 4 Subsection 512.11 of the Richfield Code is amended to read as follows:

512.11. - Permitted, Conditional, Accessory and Prohibited Uses in the Industrial District.

The following table summarizes which land uses are classified as permitted, accessory, conditional or prohibited in the Industrial District. Refer to Section 539 for complete regulations.

P: Permitted

A: Accessory

C: Conditional

N: Null or not Permitted

Land Use	
Adult businesses	P
Bottling operation	P
Cold storage	P
Computer assembly	P
Electric appliance manufacturing	P
Electronic components assembly	P
Food products manufacturing	P
Laboratories for testing or research	P
Living quarters for security personnel	A
Lumber or building materials sales	P
Marijuana production/processing	N
Metal products manufacturing	P
<u>Micro-production facility (micro-brewery/micro-distillery)</u>	<u>P</u>
Paper products manufacturing	P
Parking	A
Pawn shops and second hand goods dealers licensed under Section 1186 or 1187 of the City Code	C
Rubber or plastics products manufacturing	P
Satellite dish antennas	A
Stone, clay or glass products manufacturing	P
Telecommunication towers	C
Textile products manufacturing	P
Wood products manufacturing	P

Section 5

Subsection 534.07 of the Richfield Code relating to conditional uses in the C-2 (General Business) District is amended by adding a new Subdivision 27 to read as follows:

Subd. 27. Micro-production facilities provided that the following conditions are met:

- a) Licensing. The owner of the micro-production facility qualifies for and receives all federal, state and city licenses necessary for the operation of the micro-production facility, including a brewer license and a malt liquor wholesale license (if wholesale of malt liquor is an intended activity); and/or a distiller's license from the State of Minnesota.
- b) Taproom/Cocktail Room Location. Micro-production facilities with an accessory taproom or cocktail room must be on a lot abutting an arterial or collector street.
- c) Taproom/Cocktail Room License. An accessory taproom or cocktail room for the sale of beer or spirits produced on-site shall require a taproom/cocktail room license from the City of Richfield in accordance with Section 1202 of the City Code.
- d) Taproom/Cocktail Room Operations. Taprooms/cocktail rooms must either make food available on-site or expressly allow patrons to carry in food.
- e) Off-sale. A micro-production facility may sell their product for off-sale consumption through their taproom or cocktail room. Any on-site sale of beer in the form of growlers shall require a Micro-brewery Off-sale License in accordance with Section 1202 of the City Code.
- f) Production of Beer. Annual production of malt liquor for a micro-brewery with an accessory taproom shall not exceed 3,500 barrels, and only 500 barrels may be sold off-sale as growlers. Production at micro-breweries without a taproom shall not exceed 1,750 barrels annually.
- g) Production of Spirits. Annual production of spirits for a micro-distillery with an accessory cocktail room shall not exceed 40,000 proof gallons annually. Production at micro-distilleries without a cocktail room shall not exceed 20,000 proof gallons annually.
- h) Off-street Loading. The micro-production facility shall provide adequate space for off-street loading and unloading of all trucks greater than 22 feet in length. In the absence of off-street loading, the City may impose limits on deliveries or shipments using the public right-of-ways, including regulating the number of trucks per day and the hours that deliveries are permitted.
- i) Odors. No odors from the micro-production facility shall be perceptible beyond the property line. The micro-production facility operator shall take appropriate measures to reduce or mitigate any odors generated from the operation and be in compliance with any applicable Minnesota Pollution Control Standards.
- j) Hours of Operation. Micro-production facility operation hours shall be limited to the hours specified in Minnesota Statutes Chapter 340A for off-sale intoxicating liquor unless further limited by the City Council as part of a Conditional Use Permit.

537.03. - Permitted Uses.

Subdivision 1. The following table establishes permitted, conditionally permitted and accessory uses for the Mixed Use Districts:

Table 1. Uses of the Mixed-Use District

Note—The following abbreviations are used within the use table:

P: Permitted

A: Accessory

C: Conditional

N: Null or not Permitted

Use	MU-R	MU-C	MU-N
COMMERCIAL			
Regional retail services	P	C	N
General retail services	P	P	C
Neighborhood retail services	P	P	P
Restaurant Class I (serving alcohol)	P	C	N
Restaurant Class II (traditional/cafeteria)	P	P	P
Restaurant Class III (fast food/convenience)	C	C	N
Restaurant Class IV (take out only)	P	P	P
<u>Micro-production facility (micro-brewery/micro-distillery)</u>	<u>C</u>	<u>C</u>	<u>N</u>
<u>Taproom/Cocktail room</u>	<u>A/C</u>	<u>A/C</u>	<u>N</u>
Service Station/convenience store	P	P	N

Convenience store	P	P	P
Offices and clinics	P	P	A
Hotel/motel (defined as 6 or more rooms)	P	P	N
Mortuaries and funeral chapels	N	P	N
Health or athletic clubs, spas, yoga studios	P	P	N
Theaters, movie or live entertainment	P	N	N
Auto sales or lease -new vehicles	C	N	N
Auto mechanical or body repair shops	C	C	N
Auto detailing	C	C	N
Auto rental facilities accessory to a primary office or hotel use	A	A	N
Assembly and manufacturing accessory and subordinate to a retail use	A	A	N
Drive-up window or teller service	C	C	N
Adult business establishments as defined and regulated under Subsection 1196 of the City Code	P	P	N
Tattoo shops	P	P	N
Firearms related uses	C	N	N
Licensed day care facilities	P	P	P
Animal kennels	C	C	C
RESIDENTIAL			

Dwelling, townhouse	N	N	P
Dwelling, multifamily (min. 3 units)	P	P	P (but see 537.07, Subd. 2a)
Live - work units	N	P	P
Assisted living facilities, nursing, rest homes	N	P	P
INSTITUTIONAL/PUBLIC			
Places of worship	A	P	P
Government offices	A	P	A
Police sub-station	P	P	P
Schools	C	P	P
Library	N	P	P
Parks	P	P	P
Hospitals	P	N	N
Transit facilities	A	A	A
Public utility	A	A	A

Subd. 2. Any land use not listed as Permitted, Accessory or Conditional in this section or Subsection 512.09 is prohibited in the Mixed-Use Districts unless the use is found to be substantially similar to a use listed, as determined by the City in accordance with Subsection 509.23 of this Code.

Section 7

Subsection 537.05 of the Richfield Code relating to conditional uses in the Mixed Use (MU-C and MU-R) Districts is amended by adding a new Subdivision 13 to read as follows:

Subd. 13. Micro-production facilities in the MU-C and MU-R Districts provided that the following conditions are met:

- a) Licensing. The owner of the micro-production facility qualifies for and receives all federal, state and city licenses necessary for the operation of the micro-production facility, including a brewer license and a malt liquor wholesale license (if wholesale of malt liquor is an intended activity); and/or a distiller's license from the State of Minnesota.
- b) Taproom/Cocktail Room Location in MU-C District. Micro-production facilities with an accessory taproom or cocktail room in the Mixed Use – Community District must be on a lot abutting an arterial or collector street.
- c) Taproom/Cocktail Room Operations. Taprooms/cocktail rooms must either make food available on-site or expressly allow patrons to carry in food.
- d) Taproom/Cocktail Room License. An accessory taproom or cocktail room for the sale of beer or spirits produced on-site shall require a taproom/cocktail room license from the City of Richfield in accordance with Section 1202 of the City Code.
- e) Off-sale. A micro-production facility may sell their product for off-sale consumption through their taproom or cocktail room. Any on-site sale of beer in the form of growlers shall require a Micro-brewery Off-sale License in accordance with Section 1202 of the City Code.
- f) Production of Beer. Annual production of malt liquor for a micro-brewery with an accessory taproom shall not exceed 3,500 barrels, and only 500 barrels may be sold off-sale as growlers. Production at micro-breweries without a taproom shall not exceed 1,750 barrels annually.
- g) Production of Spirits. Annual production of spirits for a micro-distillery with an accessory cocktail room shall not exceed 40,000 proof gallons annually. Production at micro-distilleries without a cocktail room shall not exceed 20,000 proof gallons annually.
- h) Off-street Loading. The micro-production facility shall provide adequate space for off-street loading and unloading of all trucks greater than 22 feet in length. In the absence of off-street loading, the City may impose limits on deliveries or shipments using the public right-of-ways, including regulating the number of trucks per day and the hours that deliveries are permitted.
- i) Odors. No odors from the micro-production facility shall be perceptible beyond the property line. The micro-production facility operator shall take appropriate measures to reduce or mitigate any odors generated

from the operation and be in compliance with any applicable Minnesota Pollution Control Standards.

- j) Hours of Operation. Micro-production facility operation hours shall be limited to the hours specified in Minnesota Statutes Chapter 340A for off-sale intoxicating liquor unless further limited by the City Council as part of a Conditional Use Permit.

Section 8 Subsection 544.13, Subdivision 6 of the Richfield City Code related to the number of off-street parking lots required for permitted and conditional uses is amended to read as follows:

Subd. 6. Number of Off-Street Spaces Required. Off-street parking spaces shall be provided according to the following minimum standards. Parking for land uses not listed below shall be regulated according to the most similar use and/or authoritative sources as determined by the City Planner.

Land Use	Minimum Number of Off-Street Parking Spaces Required*
COMMERCIAL USES	
Animal hospital	1 for every 200 square feet of gross floor area.
Auto mechanical, body repair shop or gas station	4 plus 2 per service stall and 1 per 150 square feet of retail area
Bakery	1 per 25 square feet of customer floor area.
Bank or similar financial service	1 space per 250 square feet of gross floor area.
Bed and breakfast inn	2 plus 1 per room for rent. No required parking may be located in the front yard nor shall the parking area exceed 50 percent of the rear yard.
Bowling alley	5 per bowling lane plus 1 per 4.5 seats of other related facilities (e.g., restaurant)

Coffee shop	4.5 per 1,000 square feet of gross floor area.
Dance or physical culture studio	3 per 1,000 square feet of gross floor area.
Day care center (adult or child)	1 per 5 enrolled persons based on licensed capacity.
Health club or fitness center	1 per 225 square feet of gross floor area
Hotel	1 per room plus 1 per 4.5 seats of other related facilities (e.g., restaurant)
Medical or dental office	
Floor area of 2,500 square feet or less	1 for every 250 square feet of floor area.
Floor area greater than 2,500 square feet	1 for every 200 square feet of floor area.
<u>Micro-production facilities (micro-breweries & micro-distilleries)</u>	<u>1 per 1,000 square feet of gross floor area.</u>
Office	
Floor area of less than 50,000 square feet	1 per 275 square feet of floor area
Floor area of 50,000 to 200,000 square feet	1 per 300 square feet of floor area
Floor area of 200,000 to 400,000 square feet	1 per 325 square feet of floor area
Floor area of more than 400,000 square feet	1 per 350 square feet of floor area
Other businesses or industries, including wholesale	1 per 2 employees plus 1 per vehicle used in conduct of the enterprise OR 1 per 800 square feet of gross floor

	area, whichever is greater.
Shopping center	
Community (under 50,000 sf)	3.5 per 1,000 square feet of gross floor area
Regional (50,000 sf or more)	4 per 1,000 square feet of gross floor area
Restaurants or food service in shopping centers	Calculated separately unless the restaurant meets all of these requirements:
	•The shopping center floor area is over 20,000 square feet
	•The restaurant does not have wait staff serving food directly to the customer while seated
	•Intoxicating liquor sales at the restaurant shall not exceed five percent of annual revenue
	•The restaurant does not have in-vehicle sales or service
	•The combined total of all restaurants and food services total less than 25 percent of the gross floor area of the building and shopping center.
Retail (other than shopping center) where more than 25 percent of the gross floor area is customer area	5 per 1,000 square feet of gross floor area
Retail (other than shopping center) where more than 25 percent of the gross floor area is customer area and where the merchandise is	2 per 1,000 square feet of floor area (including outdoor display areas).

large such as furniture, carpeting, large appliances or automobiles	
Retail (other than shopping center) where less than 25 percent of the gross floor area is customer area and where the product is picked up or delivered by patron.	10 per 1,000 square feet of gross floor area
<u>Restaurants and Related</u>	
Class I and II	10 per 1,000 square feet of gross floor area.
Class III (Fast food/convenience)	17 per 1,000 square feet of gross floor area.
Class IV (Take-out only)	1 per 25 square feet of customer floor area plus 1 per delivery vehicle on the maximum shift.
<u>Taproom/Cocktail Room</u>	<u>10 per 1,000 square feet of gross floor area (to be added to required number for adjacent micro-production facility)</u>
<u>Brewpub</u>	<u>1 per 1,000 square feet of gross floor area of Micro-brewery production floor area and 10 per 1,000 square feet of gross floor area of kitchen, dining and bar floor area.</u>
Theater	1 per 3 seats if part of a shopping center; 1 per 2.5 seats if free standing

RESIDENTIAL USES	
Multiple-family housing	
MR-1 District: two-family dwelling	2 per housing unit, 1 of which must be enclosed.

	Only one (1) curb cut is permitted to the property.
MR-2 District: 8 or fewer units; 9 to 25 units as a conditional use.	2 per housing unit. May be reduced to 1.5 spaces per unit for 7 or more units if factors warrant.
MR-3 District: 20 or fewer units; more than 20 units as a conditional use.	2 per housing unit. May be reduced to 1.25 spaces per unit for ten (10) or more units if factors warrant.
Group home (state licensed residential facility)	2 per 5 beds offered for residence purposes.
Nursing or convalescent home	5 plus one (1) per 5 beds offered for residence purposes.

INSTITUTIONAL/PUBLIC USES	
Places of worship and/or assembly	1 parking space per 3 seats based on rated design capacity plus additional parking spaces, as applicable for accessory facilities which are used concurrently.
School	
K-8	1 per employee plus 8 for visitors
High school	1 per employee plus 1 per 8 students
Business or trade school	1 per employee plus 1 per 3 students based on rated design capacity.

*If calculation results in a fraction, the next higher whole number shall be used.

Section 9

This Ordinance is effective in accordance with Section 3.09 of the Richfield City Charter.

Passed by the City Council of the City of Richfield, Minnesota this ____ day of
____, 2015.

Debbie Goettel, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk

RESOLUTION NO. _____

**RESOLUTION APPROVING SUMMARY PUBLICATION
OF AN ORDINANCE TO CONDITIONALLY
PERMIT MICRO-PRODUCTION FACILITIES AND
TAPROOMS/COCKTAIL ROOMS IN
COMMERCIAL AND MIXED-USE ZONING DISTRICTS**

WHEREAS, the City has adopted the above-referenced amendment of the Richfield City Code; and

WHEREAS, the verbatim text of the amendment is cumbersome, and the expense of publication of the complete text is not justified.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Richfield that the following summary is hereby approved for official publication:

**SUMMARY PUBLICATION
BILL NO. _____**

**AN ORDINANCE AMENDING THE RICHFIELD CITY CODE TO ALLOW
MICRO-PRODUCTION FACILITIES AND TAPROOMS/COCKTAIL ROOMS IN
COMMERCIAL AND MIXED-USE ZONING DISTRICTS**

This summary of the ordinance is published pursuant to Section 3.12 of the Richfield City Charter.

This ordinance adds language to allow micro-production facilities (e.g. micro-breweries and micro-distilleries) and associated taprooms/cocktail rooms in the General Business (C-2) and Mixed Use (MU-C, MU-R) Zoning Districts. The ordinance establishes production limits of 3,500 barrels of malt liquor and 40,000 gallons of distilled spirits for such establishments as well as prescribing minimum parking requirements, rules for the sale of growlers, off-street loading, odors and hours of operation. The adopted ordinance will work in concert with the City's liquor licensing regulations, as well as State laws.

Copies of the ordinance are available for public inspection in the City Clerk's office during normal business hours or upon request by calling the Department of Community Development at (612) 861-9760.

Adopted by the City Council of the City of Richfield, Minnesota this 10th day of November, 2015.

Debbie Goettel, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk



STAFF REPORT NO. 186
CITY COUNCIL MEETING
11/10/2015

REPORT PREPARED BY: Betsy Osborn, Support Services Manager

DEPARTMENT DIRECTOR REVIEW: Jay Henthorne, Public Safety Director
11/4/2015

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich
11/5/2015

ITEM FOR COUNCIL CONSIDERATION:

Consideration of new 2016 On Sale Wine and 3.2 Percent Malt Liquor licenses for Minnesota Junior Hockey Group, LLC d/b/a Minnesota Magicians, located at the Richfield Ice Arena, 636 East 66th Street.

EXECUTIVE SUMMARY:

On August 31, 2015, the City received the application materials for new 2016 On Sale Wine and 3.2 Percent Malt Liquor licenses for Minnesota Junior Hockey Group, LLC, d/b/a Minnesota Magicians, located at the Richfield Ice Arena, 636 East 66th Street.

Champps currently holds On Sale Wine and 3.2 Percent Malt Liquor licenses which allow them to serve alcohol at the Richfield Ice Arena during Minnesota Magician Hockey games. The Minnesota Magicians have decided they would like to hold the On Sale Wine and 3.2 Percent Malt Liquor licenses to serve alcohol during the games as opposed to Champps.

In 2014, the State of Minnesota passed special legislation to allow an existing alcohol licensed establishment or the Minnesota Magicians themselves to be able to serve alcohol at the Minnesota Magician Hockey games.

The owners of the Minnesota Magicians have agreed to all the conditions, as noted below in the historical context section, and set forth by the Public Safety Director, City Manager and City Attorney.

All required information and documents have been received. All licensing fees have been paid.

The Public Safety background investigation has been completed. The results of the investigation are summarized in an attachment to this report. The Public Safety Director has reviewed the background investigation report. None of the information in the report would cause the Public Safety Director to recommend denial of the requested licenses.

Persuant to the terms of the special law, only one licensee may engage in liquor sales at the Ice Arena. At the October 27, 2015 City Council meeting, the City Council closed the public hearing and

tabled the final action on the Magicians' license application in order to give the Magicians and Champps the opportunity to discuss who will hold the license until the end of the year and thereafter. The Council asked the Magicians and Champps to provide something in writing to the City Attorney reflecting the terms of their agreement.

On Friday, November 30, 2015, staff received an agreement from both Champps and the Minnesota Magicians that Champps would operate using their current 2015 license for the remainder of 2015 for all the sales of beer and wine. The Minnesota Magicians agreed that once Champps license has expired (12/31/15) the Magicians would become the license holders beginning January 1, 2016.

RECOMMENDED ACTION:

By motion: Approve the issuance of new 2016 On Sale Wine and 3.2 Percent Malt Liquor licenses for Minnesota Junior Hockey Group, LLC d/b/a Minnesota Magicians, located at the Richfield Ice Arena, 636 East 66th Street.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

The applicant has satisfied the following requirements for issuance of licenses:

- The required license fees have been paid.
- Real estate taxes are current.
- Proof of commercial and liquor liability insurance have been received showing Illinois Union Insurance Company as affording coverage.

The following are the conditions agreed upon set forth by the City:

- The owners of the Minnesota Magicians should carefully review alcohol resolution No. 9511 that specifies the disciplinary action they can expect for violations listed in the resolution. Compliance checks are routinely done on all licensed alcohol establishments and the arena will be included in that as well. The owners should clearly understand the consequences of failing a compliance check as it requires a Council appearance at a public meeting and in all cases also involves a suspension and a fine.
- The owners must I.D. and verify the age of anyone purchasing alcohol. They must also issue a wristband to all persons buying alcohol in the arena that must be worn at all times. This will be helpful for staff but also for police to monitor so alcohol doesn't get in the hands of underage individuals.
- State law requires anyone selling alcohol must obtain a buyers card from the State once the City has approved the license that will allow them to purchase alcohol from a wholesale distributor. No alcohol may be obtained/sold in any way through anyone other than a State approved distributor. The State will not allow them to purchase alcohol from them until they have the State's buyers card. This is stated in Minn. R. 7515.0520. The owner cannot purchase alcohol directly from a City liquor store or another retailer.
- A police officer will be required to be in attendance at all home games whenever alcohol is being sold.
- The City will continue to operate the main concession stand in the arena.
- Because the Arena is a city-owned facility and because the City's liability may be up to \$1.5 million under State Statute 466.04, they must procure liquor liability insurance in the amount of \$1.5 million and list the City of Richfield as an additional insured.
- The owner must employ servers who are licensed through the City (liquor dispenser licenses) which is the case for all alcohol establishments in Richfield and they must be trained in alcohol awareness training through either an independent alcohol awareness firm or through their wholesale distributor. Proof of this training must be provided for all licensed servers to the City.
- State Statute 340A.909 also requires that at least one Minnesota produced beer must be sold in a public facility such as the arena.

Alcohol sales at the Richfield Ice Arena fall under Minnesota 2014 Law Chapter 240, Section 22. There is no food/alcohol sales ratio rule for this establishment.

As stated in the Executive Summary, the Public Safety Director has reviewed the background information and sees no basis for denial.

On Sale Wine and 3.2 Percent Malt Liquor licenses require owners of these establishments to comply with Resolution No. 9511, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

There are no distance requirements to notify neighbors of the issuance of On Sale Wine and 3.2 Percent Malt Liquor licenses.

The Notice of Public Hearing was published in the Richfield Sun Current on October 15, 2015. The Council held and closed the public hearing at its meeting on October 27, 2015, and tabled final action on the Magicians' license application in order to allow the Magicians and Champps to resolve issues relating to the licensing and sales of liquor at the Ice Arena.

Staff did receive on Friday, November 30, 2015, an agreement from both Champps and the Minnesota Magicians that Champps would operate using their current 2015 license for the remainder of 2015 for all the sales of beer and wine. The Minnesota Magicians agreed that once Champps license has expired (12/31/15) the Magicians would become the license holders beginning January 1, 2016.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

Richfield City Code Section 1202 requires owners of On Sale Wine and 3.2 Percent Malt Liquor license establishments to comply with all the provisions of both City Code and State Statutes.

C. CRITICAL TIMING ISSUES:

There are no critical timing issues.

D. FINANCIAL IMPACT:

Licensing fees have been received.

E. LEGAL CONSIDERATION:

The requirements of Resolution No. 9511 must be met, which outlines the discipline they can expect if any on-going problems occur. A copy of this resolution has been given to the owners of the establishment.

ALTERNATIVE RECOMMENDATION(S):

- The Council could decide to deny the requested licenses, which would mean the current applicants would not be able to serve wine and 3.2 percent malt liquor; however, Public Safety has found no basis to deny the license.
- Schedule the hearing for another date; however, this will delay the licensing process.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Scott Meyer - President Kevin Ingvalson - Vice President Joe Pankratz - Co Owner

ATTACHMENTS:

Description	Type
❑ MN Magicians Summary of Background	Backup Material

SUMMARY OF BACKGROUND INVESTIGATION FOR MINNESOTA JUNIOR HOCKEY GROUP, LLC D/B/A MINNESOTA MAGICIANS

Officers:

Scott Meyer – President
Kevin Ingvalson – Vice President
Joe Pankratz – Co Owner
Scott Krueger – Co Owner

Criminal Histories:

Criminal history checks were conducted on all of the applicants. The applicants showed no convictions that would prevent them from holding or being party to a liquor license. Scott Meyer – President, Kevin Ingvalson – Vice President and Joe Pankratz – Co Owner will be serving as the On-Premise Managers.

Premises:

The applicants have provided a copy of the rental agreement showing The City of Richfield holding financial interest as lessor of the property.

Record of Service Calls:

Being this is a new business, there are no records of service calls.

Violations:

Being this is a new business, there are no violations for sale of alcohol to underage youth.

Routine Information:

On sale Wine and 3.2 Percent Malt liquor licenses require owners of these establishments to comply with Resolution No. 9511, which outlines the discipline they can expect if any ongoing problems occur. A copy of this resolution has been given to the owners of the establishment.

There are no distance requirements to notify neighbors of the issuance or renewal of On Sale Wine and 3.2 Percent Malt Liquor licenses.

The notice of Public Hearing was published in the Richfield Sun Current on October 15, 2015.